

JUSTICE CABINET



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
JUSTICE CABINET
BUSH BUILDING, SECOND FLOOR
403 WAPPING STREET
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ROBERT F. STEPHENS
SECRETARY
PAMELA J. MURPHY, J.D.
DEPUTY SECRETARY

MEMORANDUM

TO: Anthony Leachman
Office of the Auditor of Public Accounts

FROM: Robert F. Stephens, Secretary
Justice Cabinet *by PJM*

DATE: June 30, 1999

RE: Title VI Update

Attached is the Kentucky Justice Cabinet's Title VI Update for 1999, pursuant to KRS 344.015. Also attached is the Cabinet's 1998 update for your files.

I would like to thank you and your staff who worked with personnel in my Office in getting these updates prepared.

If you have any questions, please let me know.

RFS/tr

Attachments



JUSTICE CABINET

Robert F. Stephens
Secretary



1999 Title VI Update

JUSTICE CABINET
TITLE VI IMPLEMENTATION PLAN

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APPENDIX

KENTUCKY JUSTICE CABINET

TITLE VI IMPLEMENTATION PLAN

JULY, 1999

The Justice Cabinet's Title VI Implementation Plan is applicable to all subdivisions of the Cabinet and any recipient of federal funds through the Justice Cabinet who choose to adopt the Justice Cabinet Plan. It prohibits discriminatory practices under all programs and activity receiving federal financial assistance.

In the body of the Plan, the intent of Title VI is stated along with the process of notification, compliance requirements, and monitoring. Appeals procedures are delineated and individuals responsible for the Justice Cabinet's implementation are stated.

KENTUCKY JUSTICE CABINET

TITLE VI IMPLEMENTATION PLAN

JULY, 1999

I. PURPOSE

The purpose of Title VI of the Civil Rights Act of 1964 is to prohibit programs which receive federal funds from discriminating against participants or recipients on the basis of race, color, or national origin. The intent of the law is to insure that all persons, regardless of their race, color, or national origin, are allowed to participate in these federally funded programs. To insure that the Kentucky Justice Cabinet meets its compliance responsibility, the following procedures have been established to provide for monitoring of Title VI compliance activities and complaint processing in all programs, directly or indirectly responsible to the Kentucky Justice Cabinet.

II. SCOPE

The Kentucky Justice Cabinet reaffirms its policies to afford all individuals the opportunity to participate in federally financially assisted programs and adopts the following provision:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

The overall responsibility for complying with the provisions of Title VI is vested in the Secretary, Kentucky Justice Cabinet, who is accountable for the administration of the Kentucky Justice Cabinet and its organizational units, contracting agencies, and subgrantees of Federal programs administered within the Justice Cabinet.

Prohibited practices include:

- Deny any individual any service, opportunity, or other benefits for which he/she is otherwise qualified
- Provide any individual with any service, or other benefit, which is different or is provided in a different manner from that which is provided to others under the program
- Subject any individual to segregation or separate treatment in any manner related to his/her receipt of service
- Restrict an individual in any way in the enjoyment of services, facilities, or any other advantage, privilege or other benefit provided to others under the program

- Adopt methods of administration which would limit participation by any group of recipients or subject them to discrimination
- Address an individual in a manner that denotes inferiority because of race, color, or national origin

III. RESPONSIBLE OFFICIAL

The responsibility for complying with the provisions of Title VI is vested in the Secretary of the Kentucky Justice Cabinet, who is responsible for the administration of the Justice Cabinet and the Departments of Corrections, State Police, Juvenile Justice, and Criminal Justice Training.

Each department within the Justice Cabinet and each subgrantee shall assign a Title VI Coordinator who will have the responsibility for administering the Title VI compliance and complaint procedures for their respective departments.

Secretary of the Justice Cabinet

Robert F. Stephens
403 Wapping Street
Bush Building, 2nd Floor
Frankfort, KY 40601-2638
Phone: (502) 564-7554
FAX: (502) 564-4840

Justice Title VI Coordinator

Nancy Fox, Supervisor
Internal Investigations Unit
403 Wapping Street
Bush Building, 2'd Floor
Frankfort, KY 40601-2638
Phone: (502) 564-7554
FAX: (502) 564-4840

Corrections Title VI Coordinator

Gerry Howard, Manager
Fiscal Branch
State Office Building, 5th Floor
Frankfort, KY 40601
Phone: (502) 564-4734
FAX: (502) 564-7952

State Police Title VI Coordinator

Robert C. Bryant, Grants Manager
Research & Development Section
919 Versailles Road
Frankfort, KY 40601
Phone: (502) 564-6399
FAX: (502) 573-1601

Juvenile Justice Title VI Coordinator

Rosemary Sewell, Manager
Personnel Branch
1025 Capital Center Drive
Bldg. 3, Floor 3
Frankfort, KY 40601
Phone: (502) 573-3747
FAX: (502) 573-2031

Criminal Justice Training Title VI Coordinator

J. Bernard Thompson, Director
Administrative Division
Kit Carson Drive
Richmond, KY 40475
Phone: (606) 622-1023
FAX:(606) 622-3162

Programmatic and financial monitoring occurs for each grant. When an on-site monitoring visit is made, the monitor will administer the Title VI Assessment Sheet. Once during each grant year, the Title VI Self-Survey will be completed and submitted to the Justice Cabinet.

IV. STATEMENT OF ASSURANCES

The Kentucky Justice Cabinet requires a statement of compliance with the Civil Rights Act of 1964 from every subgrantee and contracting agency before entering into contract.

Subgrantees who are recipients of federal funds are:

Justice Cabinet

Local Law Enforcement Block Program (LLEBG)

Bell County Fiscal Court
Boyd County Fiscal Court
Calloway County Fiscal Court
Campbell County Fiscal Court
City of Bardstown
City of Bellevue
City of Berea
City of Butler
City of Carrollton
City of Central City
City of Corbin
City of Dawson Springs

City of Dayton
City of Erlanger
City of Flemingsburg
City of Fulton
City of Glasgow
City of Grayson
City of Harrodsburg
City of Hazel
City of Jamestown
City of Lebanon
City of London
City of Loyall
City of Ludlow
City of Paintsville
City of Pikeville
City of Pineville
City of Stanford
City of Versailles
City of Vine Grove
Harlan County Fiscal Court
Kentucky State Police
Laurel County Fiscal Court
Marion County Fiscal Court
Marshall County Fiscal Court
Nelson County Fiscal Court
Pike County Fiscal Court
Woodford County Fiscal Court

Victim of Crime Act (VOCA)

Barren County Fiscal Court
Barren River Area Safe Space, Inc.
Bluegrass Regional MH/MR Board, Inc.
Bowling Green Police Department
Boyle County Commonwealth's Attorney Office
Breathitt County Attorney's Office
Brighton Center, Inc.
Campbell County Attorney
Campbell County Commonwealth's Attorney Office
Center for Women, Children & Families
Children First
Children's Advocacy Center of the Bluegrass, Inc.
Communicare, Inc.
Cumberland County Commonwealth's Attorney Office
Cumberland River Regional MH/MR Board, Inc.
D.O.V.E.S. of Gateway
Daviess County Fiscal Court

ECHO
ElderServe, Inc.
Family & Children's Counseling Centers, Inc.
Family Advocacy Center, Inc.
Family and Children's Agency, Inc.
Family Nurturing Center of Kentucky
Family Service of N. Kentucky
Family Workshop, Inc.
Fayette County Commonwealth's Attorney Office
Fayette County Sheriffs Department
Frankfort Area Children's Council
Fulton County Commonwealth's Attorney Office
Gateway District Health Department
Graves County Attorney's Office
Graves County Commonwealth's Attorney Office
Green River Regional Rape Victim Services, Inc.
Hardin County CASA Program
Henderson County Child Victim Task Force, Inc.
Henderson County Children's Advocacy Center
Home of the Innocents
Hope's Place
Jefferson County Commonwealth's Attorney Office
Jessamine County Sheriffs Office
Johnson County Attorney
Kenton County Commonwealth's Attorney Office
Kentucky River Community Care, Inc.
Laurel County Children's Advocacy Center
Laurel County Commonwealth's Attorney Office
Lexington Rape Crisis Center
Lincoln Trail Domestic Violence Program
LKLP Community Action Council
MADD Kentucky State Office
Mayfield-Graves County Child Advocacy
McCracken County Commonwealth's Attorney Office
Mountain Comprehensive Care Center
Office of Taylor County Attorney
Office of the Fayette County Attorney
Office of the Franklin County Attorney
Owensboro Area Shelter & Information Services, Inc
Paducah-McCracken County Child Watch
Pulaski County Commonwealth's Attorney Office
Rape Crisis & Prevention Center
Rape Victim Services
Safe Harbor of NE Kentucky, Inc.
Sanctuary, Inc.
Somerset Police Department
Taylor County Commonwealth's Attorney Office

The Center for Women and Families
The Family Place
The Home of the Innocents, Inc.
The Rape Crisis & Prevention Center
Warren County Commonwealth's Attorney Office
Women Aware, Inc.
Women's Crisis Center
YWCA of Lexington

Violence Against Women Act (VAWA)

Appalachian Research & Defense Fund-KY.
Barren River Area Safe Space, Inc.
Bluegrass Regional MH/MR Board, Inc.
Bourbon County Attorney's Office
Central Kentucky Legal Services, Inc.
Christian Appalachian Project
Chrysalis House, Inc.
City of Louisville
City of Williamsburg
Clark County Attorney's Office
Eastern Kentucky University
Fleming County Fiscal Court
Floyd County Sheriffs Office
Garrard County Attorney
Green River Regional Rape Victim Services
Jefferson County Attorney's Office
Jefferson County Fiscal Court
Kenton County Attorney's Office
Kentucky Domestic Violence Association
KY. Association of Sexual Assault Programs
Laurel County Attorney's Office
Lexington-Fayette Urban Co. Government
Lincoln Trail Domestic Violence
Martin County Commonwealth's Attorney
McCracken County Commonwealth's Attorney
Nicholas County Attorney
Northern KY. Legal Aid Society, Inc.
Office of the Attorney General
Perry County Commonwealth's Attorney
Rape Crisis & Prevention Center
Rape Victim Services
Rowan County Fiscal Court
Safe Harbor of Northeast Kentucky, Inc.
Sanctuary, Inc.
Women's Crisis Center
YWCA of Lexington

Narcotics Control Assistance Program (NCAP)

Administrative Office of the Courts
Barren County Fiscal Court
Butler County Fiscal Court
City of Burkesville
City of Elizabethtown
City of Erlanger
City of Grayson
City of Independence
City of Louisville
City of Maysville
City of Paducah
City of Shively
City of Somerset
Clark County Fiscal Court
Department of Corrections
Department of Juvenile Justice
Department of Public Advocacy
Department of Public Health
Fleming County Fiscal Court
Jefferson County Commonwealth's Attorney
Jefferson County Fiscal Court
Kenton County Fiscal Court
Kentucky State Police
Lexington-Fayette Urban County Government.
Medical Examiner Division
Muhlenberg County Fiscal Court
Office of the Attorney General
Office of the Chief Medical Examiner
Pike County Fiscal Court
Rowan County Fiscal Court
Russell County Fiscal Court
Transitions, Inc.
Warren County Fiscal Court

Corrections

Aftercare Substance Abuse Program
Automated Corrections System
Block Training Grant
Domestic Violence Prevention
Enhanced Community Supervision
Expanded Community Supervision
FY98 Title I
FY99 Title 1

FY99 Youth Offender Grant
ORION Enhancement
Residential Substance Abuse
RSATs MoA Payments Only
Sex Offender Risk Assessment
VINE - Local Detention Center
Violent Offender Facilities

State Police

National Highway Traffic Safety Administration
Administrative Office of the Courts
Alcohol Beverage Control
Boone County Fiscal Court
Cabinet for Human Resources
City of Ashland
City of Barbourville
City of Bardstown
City of Benton
City of Bowling Green
City of Cadiz
City of Central City
City of Danville
City of Erlanger
City of Elizabethtown
City of Falmouth
City of Florence
City of Glasgow
City of Grayson
City of Harrodsburg
City of Henderson
City of Highland Heights
City of Hillview
City of Jeffersontown
City of Lebanon
City of Lexington
City of Louisville
City of Ludlow
City of Mayfield
City of Maysville
City of Mount Sterling
City of New Haven
City of Paducah
City of Paris
City of Saint Matthews

City of Shelbyville
City of Shepherdsville
City of Shively
City of Somerset
City of Wilmore
Department of Criminal Justice Training
Dixie Police Authority
Eastern Kentucky University
Fayette County Commonwealth Attorney
Campbell County Fiscal Court
Grayson County Fiscal Court
Green River Area Development Center
Jefferson County Fiscal Court
Jessamine County Fiscal Court
Kenton County Fiscal Court
Kentucky Association of Chiefs of Police
Kentucky State Police
Kentucky Transportation Cabinet
Kosair Children's Hospital
MADD (Mothers Against Drunk Driving) of Kentucky
Nelson County Fiscal Court
Oldham County Fiscal Court
Owen County Fiscal Court
Perry County Fiscal Court
Pulaski County Fiscal Court
Taylor County Fiscal Court
University of Kentucky Transportation Research Center
Western Baptist Hospital
Woodford County Fiscal Court

Juvenile Justice

Facility Security Upgrade - VOI
Juvenile Boot Camp - VOI
Juvenile Offender Resources - Byrne Grant
Substance Abuse Intervention - Byrne Grant

Criminal Justice Training

Byrne Grant
COPS - Eastern Kentucky University
Highway Safety Branch Grant
Local Block Grant

Notification has been sent to the subgrantees stating that, in lieu of developing a Title VI Plan for their respective jurisdiction, they may adopt the Kentucky Justice Cabinet Plan. Subgrantees have been given until January 31, 2000 to either adopt the Justice Cabinet Title VI Plan or submit their own.

V. EFFECTIVE DATE

The effective date of this Title VI Implementation Plan is July 1, 1999. Any agency which was not a subrecipient of Federal funds on July 1, 1999, and which subsequently receives Federal funds, shall develop and submit a Title VI Plan by July 1, 1999. The agency may submit an assurance adopting the Kentucky Justice Cabinet Plan.

This Plan will be updated by June 30 each year hereafter.

VI. IDENTIFY PROGRAMS OR ACTIVITIES SUBJECT TO TITLE VI.

A. Narcotic Control Assistance Program

Funds received from the Edward Byrne Formula grant program are administered by the Kentucky Justice Cabinet. Enforcement, prevention, and system improvement grants are awarded to state and local agencies.

B. National Highway Traffic Safety Administration

The Highway Safety Branch of the Kentucky State Police serves as the state planning agency for NHTSA funds in Kentucky. This branch develops an annual plan, awards approximately 45 highway safety-related grants per year to state agencies, universities, and local governments.

C. Discretionary Grants

Each year, the Justice Cabinet, Corrections, State Police, Juvenile Justice, Criminal Justice Training, and local agencies are eligible to receive discretionary grants directly from Washington, D.C.

D. Drug-Free School CHR

The State Police receives one grant annually from the Cabinet for Human Resources to assist the Statewide D.A.R.E. Program to purchase promotional items and to train local officers in the various D.A.R.E. educational programs.

E. Drug-Free Schools Education

The State Police receives one grant annually from the Kentucky Department of Education to purchase promotional materials and to evaluate the Statewide D.A.R.E. Program in Kentucky.

F. Miscellaneous Sources of Federal Funds

Each fiscal year, the State Police receives monies from several Federal agencies for assistance with particular programs, criminal cases, or a special project. In the current fiscal year, funds will be received from the Drug Enforcement

Administration (U.S. Department of Justice) and the U.S. Department of Agriculture.

In addition to the miscellaneous sources of Federal funds listed in the original submission and the update submitted last year, the Department of State Police applied for Federal funds from the U.S. Department of Agriculture-Forestry Service and the U.S. Department of Justice-Community-Oriented Policing and the Drug Enforcement Administration. In addition, the Justice Cabinet received funds from the U.S. Department of Justice-Community-Oriented Policing. The Department of Corrections received Federal awards from the U.S. Department of Justice for Substance Abuse Evaluation and Criminal Alien Assistance Program.

VII. COMPLAINT PROCEDURES

A complaint alleging discrimination against the Kentucky Justice Cabinet, Department of Corrections, Department of State Police, Department of Juvenile Justice, Department of Criminal Justice Training, subgrantee, or contracting agency may be filed as an internal or as an external complaint, i.e., the complaint may be filed with the subgranting agency, Department Coordinator, Justice Cabinet Coordinator, or at the Kentucky Human Rights Commission.

Complaints must be filed in writing, preferably on Kentucky Justice Cabinet form KJC-04 (see Appendix). The form can be filled out by the complainant or by his/her representative, or by a local, Department, or Cabinet Coordinator. A copy must be sent to the Cabinet Title VI Coordinator, Kentucky Justice Cabinet, 403 Wapping Street, Bush Building, 2nd Floor, Frankfort, KY 40601-2638. A copy must also be retained in the files of the local or Department Coordinator. If the complainant is unwilling to complete the form, he/she may write, or have written, a letter stating the circumstances of the complaint. Form KJC-04 must then be filled out by the Coordinator receiving the complaint and should be attached to the complainant's letter.

The local or Department Coordinator has the primary responsibility for receiving, acknowledging and investigating complaints and for reporting the findings. The local or Department Coordinator will notify the Justice Cabinet Coordinator as soon as a complaint is filed and when a final disposition is rendered.

A complainant shall have 30 days to file a complaint after the alleged discrimination occurred. If a complainant wishes to appeal a finding on the proposed remedial action by the agency, he/she should file an appeal to the Kentucky Justice Cabinet within 30 calendar days following receipt of the finding.

VIII. COMPLIANCE/NON-COMPLIANCE

For the purpose of monitoring compliance activities, the Kentucky Justice Cabinet will maintain a task force comprised of the Justice and Department Coordinators. The task force will meet at least once a year to review the prior year's activities. This annual meeting will focus primarily on complaints filed during the year and reviewing/updating monitoring procedures.

Annual reviews will be conducted by local and Department Coordinators and contracting agencies using the Self-Survey in the Appendix. If Title VI deficiencies are noted, prompt and corrective action is to be taken.

IX. TRAINING

Employees of the Kentucky Justice Cabinet, the Departments of Corrections, State Police, Juvenile Justice, and Criminal Justice Training, and all subgrantees should also receive orientation regarding the obligations and rights involved in the Title VI Program. In-service training programs for all employees should continually apprise staff of their responsibility to render a high quality of services to all beneficiaries regardless of their race, color, or national origin.

An overview was given to all Department of State Police sworn supervisors in the Summer of 1995 during scheduled in-service training. During FY 96-97, final revisions to a Title VI policy will be completed and distributed throughout the agency.

X. GOALS AND EVALUATION PROCEDURES

Annual reviews will be conducted by local, Department, and Cabinet Coordinators and contracting agencies using the Self-Survey in the Appendix. If Title VI deficiencies are noted, prompt and corrective action is to be taken.

XI. PUBLIC NOTIFICATION/OUTREACH

Notices to employees of all agencies, contractors, and prospective clients will be distributed periodically informing them of a new federal program. The notice will consist of a brief description of the program and any applicable standards required of employees to achieve the goal and objectives of the grant. The local, Department, and Cabinet Coordinators are responsible for developing and circulating these notices.

On all Federal grants awarded by the Justice Cabinet, a special condition of each grant shall specify that the subgrantee will be in compliance with Title VI.

XII. RECORDKEEPING/REPORTING

All Title VI Coordinators effected by this Plan shall prepare an annual summary of their agency's monitoring activities and complaint processing. The reports will be submitted annually to the Secretary of the Justice Cabinet. Copies of the report will be given to the head of each reporting agency.

XIII. MINORITY REPRESENTATION ON PLANNING BOARDS AND/OR ADVISORY BOARDS

Composition of Cabinet and all Departments:

<u>Agency</u>	<u>Blacks</u>	<u>Whites</u>	<u>Other</u>	<u>TOTAL</u>
Justice Administration	6	58	1	65
Department of Corrections	206	3,221	28	3,455
Department of State Police	59	1,642	7	1,708
Department of Juvenile Justice	150	959	7	1,116
Department of Criminal				
Justice Training	3	110	0	113
TOTALS	424	5,990	43	6,457

<u>Advisory Boards</u>	<u># Whites</u>	<u># Blacks</u>	<u># Other</u>
Juvenile Justice Advisory Board	19	3	
Juvenile Justice Advisory Committee	22	7	
Juvenile Delinquency Prevention Councils			
Fayette County	14	4	
Northern Kentucky	15	3	
Hardin County	13	4	
Warren County	16	1	
Hopkins County	16	2	
McCracken County	17	4	
Daviess/Henderson Counties	14	4	
Jefferson County	14	6	
Personnel Board	4	1	
Grant Coordinating Committee	3		
Promotion Review Committee	8	2	
Oral Boards			
Cadet Selection	2	1	
Promotion Boards			
Trooper to Sergeant	4	1	
Sergeant to Lieutenant	5		
Lieutenant to Captain	9	1	

Whenever a planning or advisory body, such as a board or a committee, is an integral part of the recipient's program, the agency will notify all personnel of its existence and will allow input pertaining to agenda items and discussion.

Where members of a board or committee are appointed or are members by virtue of their position in the agency, and where minorities comprise as much as 7.4% of the service area, the agency should consider appointing a minority representative.

APPENDIX

COMMONWEALTH OF KENTUCKY
JUSTICE CABINET
COMPLAINT UNDER CIVIL RIGHTS ACT OF 1964

Date: _____

TO: JUSTICE CABINET

I, _____, hereby file an official complaint against

Name of Person or Agency

located at: _____

Complainant's Name: _____

Complainant's Address: _____

Basis of Complaint: _____

Date of Alleged Discrimination: _____

Signed: _____

Section Below to be Completed by Justice Cabinet

Referred to _____ on _____ for investigation and report.
Local Coordinator Date

Division Coordinator

Use Back of Sheet if Necessary.

COMMONWEALTH OF KENTUCKY

JUSTICE CABINET

WITHDRAWAL OF COMPLAINT OR APPEAL FOR FAIR HEARING

Date: _____

TO: JUSTICE CABINET

I, _____, hereby withdraw my ()* complaint or ()* appeal** filed on

_____ against _____
Date Name

located at _____

Complainant's Name: _____

Complainant's Address: _____

Reason for Withdrawal: _____

*Check appropriate term, Complaint or Appeal

**Appeal from finding

Signed: _____

COMMONWEALTH OF KENTUCKY

JUSTICE CABINET

REPORT OF INVESTIGATION

I, _____ representing _____
Local Coordinator Name of Facility

have investigated the complaint occurred which was in violation of the provisions of Title VI of the Civil Rights Act of 1964.

The results of the investigation were as follows:*

- A. The agency or person was found to be in violation of Title VI.
- B. The agency or person was not found to be in violation of Title VI.
- C. The complainant withdrew the complaint using Form JC-2.

A copy of the investigative report is attached.

NOTE: If the agency or person was found to be in violation of Title VI, briefly describe the remedial action taken to assure future compliance:

Date

Local Coordinator

*Circle the appropriate letter.

COMMONWEALTH OF KENTUCKY

JUSTICE CABINET

APPEAL FROM FINDING

I, _____, wish to appeal the finding made on _____
Name of Appellant Date of Finding
by _____ of () Non- Discrimination or () the proposed remedial action by
the agency in the Title VI complaint as filed by _____
Complainant

on _____ against _____ at _____
Date of Filing Person or Agency

Location

Signed: _____
Appellant

Address

Date of Appeal

JUSTICE CABINET
TITLE VI SELF-SURVEY

PART I:

1. Date of Survey: _____
2. Type of Survey: Initial_____ Annual _____ Other_____
3. Name of Facility/Agency: _____
Street Address: _____
City,County,State: _____
4. Name of Administrative Head: _____
Title: _____
5. Name of Local Title VI Coordinator: _____
Title: _____
6. Do you have an advisory or planning group?
Yes_____ No_____

A. If yes, how many are on the board? _____
B. What is the service population in your area? _____
C. What is the minority population in your area? _____
D. Have you considered achieving minority representation on the board? _____
7. Non-Discrimination Policies: Does your agency have a written policy stating that services will be provided to all persons without regard to race, color, or national origin?
Yes _____ No _____

If yes, attach a copy, FOR INITIAL SURVEY ONLY!
8. Posters: Are posters containing Title VI information prominently displayed within the facility?
Yes_____ No_____
9. Do these posters show the name of the Local Coordinator to whom complaints should be referred?
Yes_____ No_____
10. Records: Are permanent records kept of all Title VI complaints?
Yes_____ No_____
11. Complaints: If applicable, describe below any complaints received in this reporting period:

<u>Name of Complainant</u>	<u>Race</u>	<u>Charge</u>	<u>Findings</u>
12. Dissemination: Is Title VI information disseminated to your employees and your clients/applicants?
Yes_____ No_____

If yes, described how employees are informed: _____

Describe how clients/applicants are informed: _____

-
-
13. Are you confident that applicants and clients are clearly aware of their rights under Title VI, including the right to file a complaint? Yes_____ No_____
14. Are new employees clearly informed about their specific responsibilities to clients under Title VI? Yes_____ No_____
15. Are staff members periodically re-oriented or refreshed on information detailing their Title VI responsibilities? Yes_____ No_____
16. If yes, state by whom and how: _____

17. Compliance Assurance: Do all contracts to provide direct services to clients contain a Title VI statement of compliance? Yes_____ No _____

If yes, attach a copy of the Title VI statement included in such contracts, FOR INITIAL SURVEY ONLY!
18. Are you confident that each of your sub-contracts or vendors, if any, are clearly aware of your agency's commitment to Title VI Yes_____ No_____
- If yes, attached a copy, FOR INITIAL SURVEY ONLY!
19. Are all physical areas (e.g., exists, waiting rooms, dining areas, rest rooms, etc.) provided and used without regard to race, color, or national origin of clients?
Yes_____ No_____
- If no, identify the areas which are not used jointly and explain why.

TITLE VI COMPLIANCE STATUS

JUSTICE CABINET ASSESSMENT SHEET

Instructions to Department Coordinator : Use this checklist to assess each facility or agency SELF-SURVEY to ascertain Title VI compliance. If you decide not to certify compliance status, follow upon any deficiencies which affected your decision.

NAME OF AGENCY/FACILITY: _____

		<u>Yes</u>	<u>No</u>
1.	Services from this facility are provided to clients without regard to race, color, or national origin.	_____	_____
2.	An employee has been appointed to serve as Title VI Local Coordinator for this agency/facility.	_____	_____
3.	Were minorities considered on the advisory board if at least 7.4% of the population in the service area are minority persons?	_____	_____
4.	A written procedure exists for hearing and reviewing Title VI complaints.	_____	_____
5.	Records are maintained regarding all alleged cases of discrimination.	_____	_____
6.	Title VI posters are prominently displayed and are used to emphasize the Title VI program and complaint opportunities.	_____	_____
7.	All clients are specifically informed about their individual rights under Title VI.	_____	_____
8.	New employees are clearly informed about their responsibilities to clients under Title VI.	_____	_____
9.	Contracts between this agency and another party include the formal Title VI 'Statement of Compliance' clause.	_____	_____
10.	Other parties which contract with this agency (e.g., vendors, sub-contractors) are clearly informed by this agency about their own responsibilities to clients under Title VI standards.	_____	_____
11.	A written policy on room assignments exists which states that room assignments will be made without regard to race, color, or national origin. (Residential ONLY!)	_____	_____
12.	A written policy on room transfers exists which states that race, color, or will not be used as a factor to transfer clients within the facility. (Residential ONLY!)	_____	_____
13.	All physical facilities and physical areas are made available to every client without regard to race, color, or national origin.	_____	_____

REVIEWER:

Signature Title Date

STATUS: Compliance is certified: Yes_____ No_____

LABOR CABINET

PAUL E. PATTON
GOVERNOR



JOE NORSWORTHY
SECRETARY

COMMONWEALTH OF KENTUCKY
LABOR CABINET
OFFICE OF ADMINISTRATIVE SERVICES
1047 US HWY 127 S STE 4
FRANKFORT KY 40601-4381

March 29, 1999

TO: Mr. Anthony Leachman Ms. Beverly L. Watts
Division of State Audits Executive Director
Auditor of Public Accounts Human Rights Commission

FROM:

A handwritten signature in cursive script, reading "Patrick Bales".

Patrick Bales
Labor Cabinet Title VI Coordinator

SUBJECT: Revisions to Title VI Plan

The Kentucky Labor Cabinet has revised and extensively re-written its Title VI Plan so that the structure and content conforms to that listed in 45 KAR 1:080 Standards for Title VI Reporting. Attached is a copy of the Labor Cabinet's Title VI Plan which has a revision date of March 29, 1999.

Please let me know if additional modification of the Plan is needed. If so, we can make those changes as part of the annual review which is due by July 1 of each year.

If you have any questions regarding this matter, please call me at 564-3070, Ext. 231.

Attachment

cc: Joe Norsworthy, Secretary
Mike Sparrow, Deputy Secretary
Eddie Jacobs, Principal Assistant
Walter W. Turner, Commissioner

Leach-2.doc

PHONE: (502) 564-3070

An Equal Opportunity Employer M/F/D

FAX: (502) 564-5387

KENTUCKY LABOR CABINET

TITLE VI PLAN

REVISED: MARCH 29, 1999

KENTUCKY LABOR CABINET

TITLE VI PLAN

REVISED: MARCH 29, 1999

AUTHORITY

The applicable statutes and regulations for this Title VI Plan are the following:

Title VI of the 1964 Federal Civil Rights Act [42 USC 2000 (d)]
Kentucky Revised Statute 344.015
45 KAR 1:080. Standards for Title VI Reporting.

I. GLOSSARY

Compliance: The fulfillment of the requirements of Title VI, other applicable laws, implementing regulations, and instructions to the extent that no distinctions are made in the delivery of any service or benefit on the basis of race, color, or national origin.

Complaint: A verbal or written allegation of discrimination that indicates that a federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, or national origin.

Discrimination: To make any distinction between one person or group of persons and others either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, or national origin.

Federal Assistance: Any federal funding, property, or aid provided for the purpose of assisting a beneficiary.

Grantee: Any public or private agency, institution, or organization to whom federal financial assistance is intended for any program.

Minority: A person or group of persons differing from others in some characteristics who may be subjected to differential treatment on the basis of race, color, or national origin.

Noncompliance: Failure of refusal to comply with Title VI of the Civil Rights Act of 1964, other applicable civil rights laws, and implementing departmental regulations.

Subgrantee: Any public or private agency, institution, or organization to whom federal financial assistance is intended (through another recipient) for any program.

In addition, the Labor Cabinet adopts the federal definition of common terms regarding Title VI compliance as set forth in the Code of Federal Regulations (CFR).

II. OVERVIEW

a. Mission

The Labor Cabinet reaffirms its policy to afford all individuals the opportunity to participate in federal financially assisted programs and to benefit equally from those programs. In furtherance of this goal, the following statement is adopted:

“No person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of the Kentucky Labor Cabinet receiving federal financial assistance.”

For purposes of this Policy, all programs, activities, investigations, and the performance of any official duty of the Kentucky Labor Cabinet subject to Title VI shall be administered and conducted in accordance with this mission statement. This Policy shall be implemented through the procedures for regulating, monitoring, and enforcing federal law as defined by this Plan.

b. Structure

The Kentucky Labor Cabinet is established by KRS 336.015, giving the Secretary of Labor the duties, responsibilities, power and authority relating to labor, wages and hours, occupational safety and health of employees, child labor, apprenticeship, and workers' compensation.

The Labor Cabinet is divided into the Office of the Secretary, General Counsel, Administrative Services, Labor-Management Relations and Mediation; and the Departments of Workplace Standards and Workers' Claims. The Department of Workplace Standards is divided into the Divisions of Employment Standards, Apprenticeship and Training, Occupational Safety and Health Compliance, Education and Training for Occupational Safety and Health, Special Fund, and the Coal Workers Pneumoconiosis Fund. The Department of Workers' Claims (DWC) is headed by a Commissioner appointed by the Governor and confirmed by the Senate. The DWC is divided into the Office of the Commissioner, Office of Administrative Services, the Divisions of Claims Processing and Appeals, Information and Research, Administrative Law Judges, Security and Compliance, Ombudsman and Workers Compensation Specialist Services, and the Division of Arbitration. [The Department of Workers' Claims (DWC) does not receive federal funds and located at the back of this Plan as **Attachment #4** is a copy of a letter from Commissioner Walter W. Turner to Mr. Anthony Leachman, Auditor's Office, dated October 27, 1997, in which Commissioner Turner certifies that the DWC does not receive federal funds and does not anticipate receiving federal funds in the future. This letter is located in "Section XII – Letters Certifying Nonapplicability of KRS 344.015" of Mr. Edward Hatchett's June 30, 1997, Report on Compliance with Civil Rights Laws ...].

The Labor Cabinet serves the public in several capacities as an enforcement agency in the area of wage and hour and occupational safety and health violations, compliance

with workers' compensation laws and administration of the workers' compensation program. Additionally, the Cabinet offers the public voluntary services in the area of occupational safety and health compliance and dissemination of workers' compensation information and early resolution of claims disputes through the use of mediation and arbitration.

The Labor Cabinet receives federal funding for its Occupational Safety and Health Program and its required responsibilities in the state's School-to-Work Program. The Occupational Safety and Health Program is divided into two primary areas, the Division of OSH Compliance which investigates occupational safety and health complaints and performs random inspections, and the Division of OSH Education and Training offering voluntary services to the public. The Cabinet has oversight responsibilities in regard to the State's School-to-Work Program, awarded to and administered jointly by several state agencies through the United States Department of Labor (USDOL).

In regard to other non-enforcement or non-adjudicatory programs, the Labor Cabinet contains the Office of Labor-Management Relations and Mediation with oversight of labor-management committee grants. The Cabinet also contains the Ombudsman Program within the Department of Workers' Claims.

III. SCOPE

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin. The 1994 General Assembly of the Commonwealth of Kentucky enacted Senate Bill No. 248 which requires state agencies to develop Title VI implementation plans by January 1, 1995. Grantees and subgrantees (receiving federal financial assistance) are prohibited from discriminating on the basis of race, color, or national origin by:

- ◆ denying a person any service, financial aid, or benefits extended under a program;
- ◆ providing any service, aid, or benefit to a person that is different in kind or manner from that provided to others under the program;
- ◆ subjecting a person to segregation or other discriminatory treatment in any manner related to the receipt or non-receipt of the service, aid, or benefit;
- ◆ restricting a person in any way in enjoying services, facilities, or any other advantage, privilege, property, or benefit provided to others under the program;
- ◆ treating a person differently from others in determining whether he or she satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition that people must meet to receive any service, aid, or benefit;

- ◆ denying or affording a person an opportunity to participate in a program (including the opportunity to participate as a grantee, subgrantee, or contractor) in a way that is different from that afforded others in the program; and,
- ◆ denying a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program.

IV. RESPONSIBLE OFFICIAL

Mr. Patrick Bales, in the Office of Administrative Services for the Labor Cabinet, has been designated as the responsible official to oversee implementation and monitoring the Cabinet's Title VI Plan. Mr. Bales also serves as the EEO and ADA coordinator for the Cabinet. His office address is 1047 US Highway 127 South, Suite 4, Frankfort, KY 40601 and the office telephone is 502-564-3070, Extension 231.

V. STATEMENT OF ASSURANCES

The intention of this Title VI Compliance Plan is to assure that all beneficiaries of Labor Cabinet services will receive those services without any discrimination by the Cabinet or its subgrantees in regard to race, color, or national origin. This Plan assures compliance with Title VI requirements in regard to services to recipients, availability of such services, and assurance that sub-contractees in regard to purchasing or other services will also comply with the requirements of Title VI.

VI. IDENTIFY PROGRAMS OR ACTIVITIES

The Labor Cabinet receives federal funding for the *Kentucky Occupational Safety and Health Program (KYOSH)* and its portion of required responsibilities in the Commonwealth's *School-to-Work Program*.

- A. KYOSH Program: This program is divided into two primary areas, the Division of OSH/Compliance which investigates occupational safety and health complaints and performs random inspections, and the Division of OSH/Education and Training offering voluntary services to the public.
- B. School-to-Work Program: The Division of Employment Standards, Apprenticeship and Training has oversight responsibilities in regard to the state's *School-to-Work Program*, awarded to and administered jointly by several state agencies through the United States Department of Labor (USDOL).

VII. COMPLAINT PROCEDURES

Internal Complaint Procedure: Any person who believes he/she or any special class of individuals have been subjected to discrimination of the type prohibited by Title VI may file an oral or written complaint (see **Attachment #1** at the back of this Plan) with the Labor Cabinet Title VI Coordinator at the following address and/or telephone number:

Mr. Patrick Bales, Title VI Coordinator
Office of Administrative Services
Kentucky Labor Cabinet
1047 US HWY 127 S, Suite 4
Frankfort, KY 40601
(502) 564-3070, Ext. 231

Complaints should be filed within ninety (90) days of the alleged discrimination. Receipt of the complaint will be promptly acknowledged by the responsible official (the Title VI coordinator). The complainant will be advised of the commencement of an investigation of the alleged discrimination. All complaints will be promptly investigated. The investigation must be conducted and completed within thirty (30) working days of the receipt of the complaint. All information gathered in the investigation shall be confidential.

A written response containing the Cabinet's finding will be provided to the complainant upon completion of the investigation (see **Attachment #2** at the back of this Plan). If the complainant is dissatisfied with the response he/she may request a meeting with the Secretary of Labor or his/her designee to attempt a mutually agreeable resolution. Requests for resolution meetings must be made by the complainant within ten (10) days of receipt of the written response. If a mutually agreeable resolution can not be reached, the complainant will be advised of the right to file a complaint with the Kentucky Human Rights Commission, pursuant to the provisions of KRS Chapter 344.

A withdrawal of a complaint must be in writing, signed by the complainant or his/her representative and forwarded to the Title VI coordinator named above in Section VII (see **Attachment #3** at the back of this Plan).

If the agency finds, on the basis of a complaint and investigation, that discrimination has occurred or is occurring, corrective action will be taken and follow-up compliance reviews will be conducted.

Corrective Action: If a discriminatory practice is found in a federally-funded program within the Labor Cabinet, the Cabinet will be provided a written notice of the discriminatory practice and will be directed to immediately take corrective action to eliminate or cease the practice.

Follow-up Compliance Review: In the case of a finding that discrimination, in violation of Title VI, has occurred or is occurring, and voluntary compliance is

obtained, the program will be reviewed within three months of the survey, review, or complaint that resulted in the finding to determine compliance with Title VI. A second follow-up review will be conducted within six months on the initial follow-up.

Appeals: Any party who is aggrieved by the decision issued may make a request, in writing, to the Title VI Coordinator for reconsideration of the decision and to present further evidence. Such request shall be made no more than twenty (20) days after issuance of the decision.

VIII. COMPLIANCE/NONCOMPLIANCE REPORTING

The Title VI coordinator is required to annually review the activities of the Labor Cabinet to determine whether there is compliance with Title VI. The Title VI coordinator will complete an annual Title VI Compliance Self-Survey and submit as part of the annual review and Plan update required by KRS 344.015 to be submitted by July 1 each year to the Auditor of Public Accounts and the Commission on Human Rights.

The Title VI coordinator, with the approval of the Cabinet Secretary, may direct a subrecipient to complete a Title VI self-survey or may initiate a compliance review prior to or after the award of any federal monies.

Prior to the award of any federal monies to a subrecipient, the subrecipient must provide the Labor Cabinet with a copy of the subrecipient's current Title VI compliance plan. If the subrecipient does not have an existing plan, the subrecipient shall, as part of the contract, agree to use the Labor Cabinet's current Title VI Plan as the guidelines for the subrecipient's compliance with Title VI. Copies of Title VI compliance plans submitted by subrecipients to the Labor Cabinet will be provided to the Auditor's Office on July 1 of each year.

IX. AGENCY TRAINING PLAN

It is the Labor Cabinet's policy to recruit, hire, train, and promote persons in all job classifications without regard to race, color, national origin, religion, sex, age, or disability status. New staff will receive EEO and Title VI information during orientation.

Executive management staff will receive an annual briefing and hand-outs from the Title VI coordinator. Executive staff is encouraged to pass this information along to supervisors in divisional staff meetings and continue to advise staff to render a high quality of services to all clients regardless of their race, color, or national origin.

The EEO and Title VI coordinator, EEO counselors, and other key personnel are encouraged to attend the Governor's Annual EEO Conference.

X. GOALS AND EVALUATION PROCEDURES

The goal of the Labor Cabinet in regard to Title VI compliance is to afford all individuals an equal opportunity to participate in federal financially assisted programs and to benefit equally from those programs.

All services shall be administered so as to not discriminate against any individual or group of individuals in regard to race, color, or national origin. To assure this, the programs which receive federal financial assistance and offer services to the public shall be reviewed annually as it pertains to Title VI by the Title VI coordinator designated by the Secretary of Labor. The programs that receive federal financial assistance are: (1) Division of OSH/Compliance, (2) Division of OSH/Education & Training, and (3) Division of Employment Standards, Apprenticeship and Training.

As mandated by KRS 338, the Division of OSH/Compliance is required to investigate all potential violations of occupational safety and health standards by employers. By statute, all valid employee complaints must be investigated. In addition, any person who feels aggrieved may file a complaint against the State Program with the federal government.

The Division of OSH/Education and Training shall assure compliance with Title VI by annually providing to the Title VI coordinator a listing of all requests for voluntary consultations and services received from all employers and the priority in which they are responded to. It should be noted that this division is presently subject to the federal audit and/or complaint procedures which affect the Division of OSH/Compliance.

The Division of Employment Standards, Apprenticeship and Training, which is responsible for investigating employee complaints regarding wage and hour violations of KRS Chapter 337, shall continue to log and make available all Title VI-related complaints as received (subject to confidentiality requirements), and the status of the investigation of those complaints. This information is available to the public, and any federal or state agency.

All requests for applications for Labor-Management Committee Grant funds shall contain a notice of compliance with Title VI requirements, as well as appeal rights through the responsible official. The director of that office shall certify at the end of each grant cycle that all grants have been issued in compliance with Title VI requirements.

XI. PUBLIC NOTICE AND OUTREACH

The Labor Cabinet will display anti-discrimination posters and copies of the Cabinet's Title VI Plan on bulletin boards in its office locations.

All published brochures and program information will include a statement that the program and its services and services are available to all without regard to race, color, or national origin.

The Title VI coordinator, Mr. Patrick Bales, will be the staff person responsible for distribution of information relating to Title VI matters.

XII. RECORDKEEPING AND REPORTING

Paper copies of all Title VI-related forms, complaint documents, data reports, annual surveys, and annual updates to the Cabinet Implementation Plan will be kept on file in the office of the Labor Cabinet's Title VI coordinator at the address shown in *Section IV. RESPONSIBLE OFFICIAL*. These items will be retained for at least five (5) years. After that, they may be archived with the Department of Libraries. These records are subject to the Kentucky Open Records Law and public inspection.

XIII. MINORITY REPRESENTATION ON PLANNING BOARD OR ADVISORY BODY

- A. The Labor Cabinet has attempted to achieve minority representation of the boards and commissions attached to it. As of the date of this revision, there is one minority serving on the State Apprenticeship and Training Council and one minority on the State Labor Relations Board.
- B. This Cabinet will continue its efforts to identify and determine whether an eligible and interested minority is available for the purpose of recommending them for consideration of any vacancy to the board or commission in question.
- C. At the present time, the workforce of the Labor Cabinet staff numbers 502 employees and there are 30 staff persons who are minorities. This equals 5.97% of the workforce in the Cabinet.

Attachment #1
Complaint Form
Title VI Plan
Kentucky Labor Cabinet

File # _____

Date: _____

TO: Title VI Coordinator

I, _____, hereby file an official complaint against

_____ located at

Name of Person or Agency

Date of alleged discrimination: _____

Complainant's Name: _____

Complainant's Work Address: _____

Complainant's Telephone Number: _____

Basis of Complaint (race, color, national origin – use back of sheet if necessary) _____

Signed: _____

Date: _____

Assigned to: _____

Investigator

Date: _____

Attachment #2

**Report of Investigation
Title VI Plan
Kentucky Labor Cabinet**

File # _____

I, _____, representing the _____
_____, have investigated the complaint filed on _____
_____ by _____ alleging that discrimination occurred
which was in violation of Title VI of the 1964 Federal Civil Rights Act.

The results of the investigation were as follows:

- _____ A. The agency or person WAS FOUND to be in violation of Title VI.
_____ B. The agency or person WAS NOT FOUND to be in violation of Title VI.
_____ C. The complainant withdrew the complaint.

A copy of the investigative report is attached.

If the agency or person was found to be in violation of Title VI, a brief description of the remedial action
taken to assure future compliance follows:

Signed: _____

Date: _____

Attachment #3

**Withdrawal of Complaint/Withdrawal of Appeal
Title VI Plan
Kentucky Labor Cabinet**

TO: Title VI Coordinator

I, _____, hereby withdraw my () complaint or
() appeal filed on _____ against _____
Date Name

Located at _____

Complainant's Name: _____

Complainant's Work Address: _____

Reason for withdrawal of () complaint or () appeal: _____

Signed: _____

Date: _____

PAUL E. PATTON
GOVERNOR

JOE NORSWORTHY
SECRETARY



COMMONWEALTH OF KENTUCKY
LABOR CABINET
DEPARTMENT OF WORKERS' CLAIMS
1270 LOUISVILLE ROAD
PERIMETER PARK WEST
FRANKFORT, KENTUCKY 40601

ATTACHMENT # 4

WALTER W. TURNER
COMMISSIONER

W. H. LILE
DEPUTY COMMISSIONER

October 27, 1997

Anthony Leachman, Director
Division of Financial Audit
Auditor of Public Accounts
144 Capitol Annex
Frankfort, Kentucky 40601

RE: Department of Workers Claims
Title VI Implementation Plan Exemption

Dear Mr. Leachman:

This will certify pursuant to the provisions of KRS 344.015 that the Commonwealth of Kentucky Department of Workers Claims did not receive federal funds during fiscal year ended June 30, 1997. Furthermore, in that the agency is solely funded by assessments paid by Kentucky employers, we do not anticipate receiving federal funds in the future. It is our belief that the Department of Workers Claims is in compliance with KRS 344.015 relative to Title VI implementation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Walter W. Turner".

Walter W. Turner

gp

PHONE:(502) 564-5550

An Equal Opportunity Employer M/F/D

FAX: (502) 564-5934

**NATURAL RESOURCES AND ENVIRONMENTAL
PROTECTION CABINET**

JAMES E. BICKFORD
SECRETARY




PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
OFFICE OF THE SECRETARY
FRANKFORT, KENTUCKY 40601
TELEPHONE: (502) 564-3350

MEMORANDUM

TO: Edward B. Hatchett, Jr.
Auditor of Public Accounts

FROM: James E. Bickford, Secretary
Natural Resources and
Environmental Protection Cabinet 

DATE: July 14, 1999

SUBJECT: Title VI Annual Summary of Compliance

This memorandum is to serve as the cabinet's annual summary and update to the Title VI plan in our organization.

The cabinet has reviewed the Title VI plan and offers the following area of the plan to be recognized as amended: an updated organizational chart is attached to this memorandum reflecting any changes that have occurred within the cabinet's organizational structure during FY 1999. There have been no complaints or instances of non-compliance relating to Title VI this year. Therefore, no further amendments are required at this time.

The checklist for compliance determination is also attached indicating all activities relating to Title VI implementation are monitored within the cabinet. Should you have any questions regarding this information, please contact Ms. Trinta Cox, Assistant Director of the Division of Administrative Services at 502-564-7320.

Attachments



AN EQUAL OPPORTUNITY EMPLOYER M/F/D

CHECKLIST FOR DETERMINING COMPLIANCE AND WRITTEN FINDING OF COMPLIANCE
NAME OF CABINET

Natural Resources and Environmental Protection Cabinet

NAME OF DEPARTMENT RECEIVING FEDERAL ASSISTANCE

A. CHECKLIST

	<u>Yes</u>	<u>No</u>
1. Is the data provided by the applicant sufficient for determining that benefits and services are or will be available without discrimination on the basis of race, color, or national origin?	X	
2. Did the applicant provide the racial composition of the area served?	X	
3. Did the applicant provide the population eligible to be served by race, color, or national origin?	X	
4. Is employment data provided?	X	
5. Will the location of the existing facility or relocation of the facility have the effect of or deny access to any person on the basis of race, color, or national origin?		X
6. Does the composition of the planning or advisory committees reasonable represent program participation by race, color, or national origin?	X	
7. Has the applicant been advised to immediately notify the grantor agency of the Education, Arts, and Humanities Cabinet of any complaints or lawsuits filed against the applicant?	X	
8. Does the applicant presently have a pending application for federal assistance with other agencies?	X	
9. Has a civil rights compliance review been conducted at the applicant's site by any federal or state agency within the last two years?		X
10. Has a federal or state agency found the applicant in noncompliance with any civil rights requirements?		X

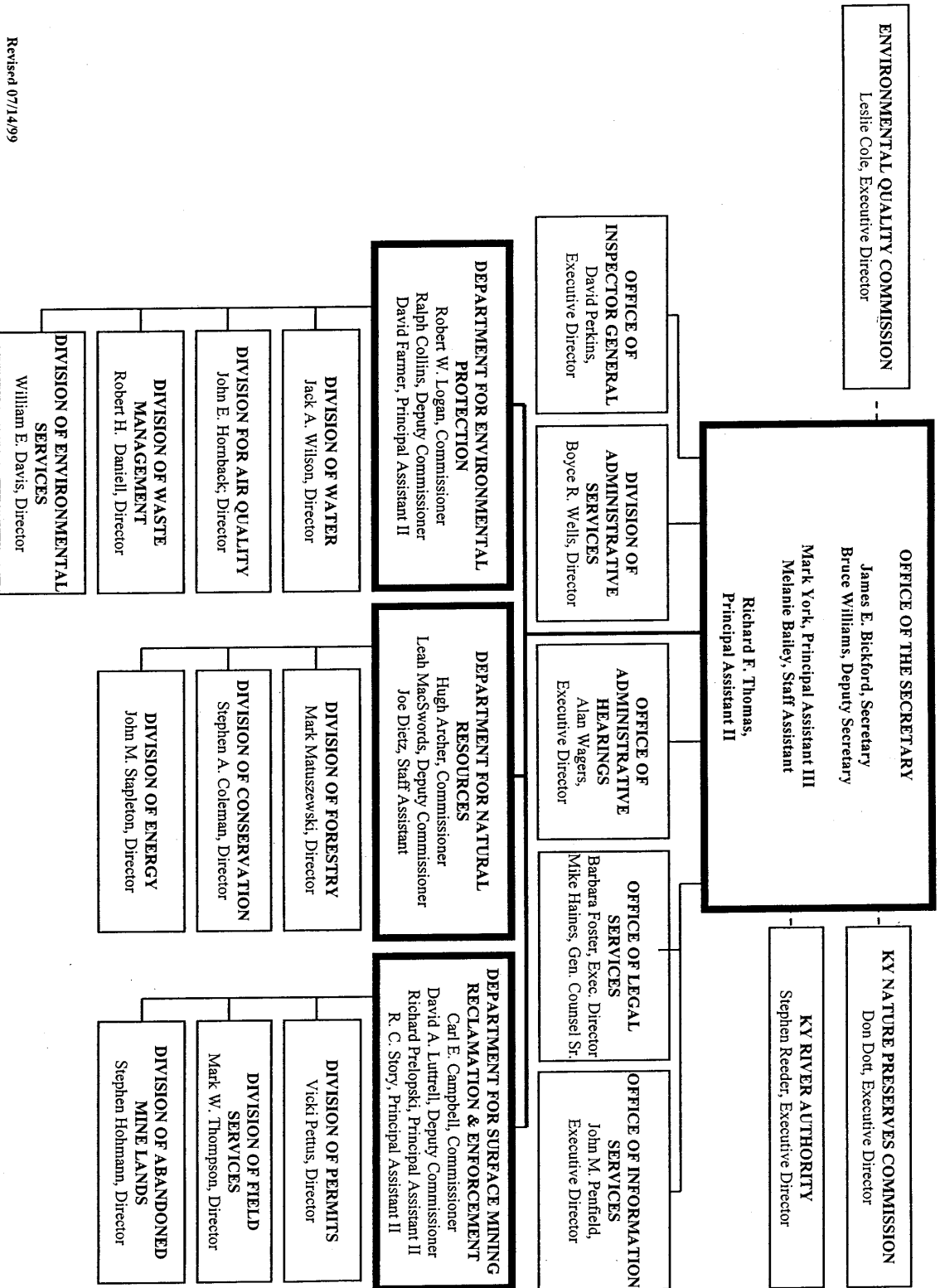
B. WRITTEN FINDING OF COMPLIANCE

THIS IS TO CERTIFY THAT THE APPLICATION AND DATA SUBMITTED BY THE ABOVE APPLICANT WAS REVIEWED AND THE APPLICANT (IS) XXX (IS NOT) _____ FOUND IN COMPLIANCE WITH TITLE VI.

Civil Rights Coordinator

Date

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET



PUBLIC PROTECTION AND REGULATION CABINET
CRIME VICTIMS COMPENSATION BOARD

-----Original Message-----

From: Young, Ellen (CPPR)
Sent: Thursday, April 13, 2000 8:17 AM
To: Sagraves, Linda (APA)
Cc: Tharpe, Sheila (CPPR)
Subject: RE: FY99 Title VI Plan Update

Ms. Sagraves,

In response to your e-mail request to Sheila Tharpe, please be advised that the Crime Victims Compensation Board has no changes to the current Title VI Implementation Plan which is already on file with your office.

If anything further is needed, please let me know.

PUBLIC PROTECTION AND REGULATION CABINET

DEPARTMENT OF MINES AND MINERALS

TITLE VI COMPLIANCE STATUS

NAME OF AGENCY/FACILITY

Department Of Mines and Minerals
P.O. Box 2244
Frankfort, KY 40601
(502) 573-0140

	YES	NO
1. Services from this facility are provided to clients without regard to race, color or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. An employee has been appointed to serve as Title VI Local Coordinator for this agency/facility.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Minorities are represented on the advisory board. *	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. A written procedure exists for hearing and reviewing Title VI complaints.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Records are maintained regarding all alleged cases of discrimination.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Title VI poster (where possible) are prominently displayed and are used to emphasize the Title VI program and Complaint opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. New employees are clearly informed about their responsibilities to clients under Title VI.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Contracts between this agency and another party include the formal Title VI Statement of Compliance clause.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Other parties which contract with this agency are clearly informed by this agency about their own responsibilities to clients under Title VI standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. All physical facilities and physical areas are made available to every client without regard to race, color or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* The Mining Board and Oil and Gas Commission are appointed by Governor's Office.

Shelley McConkey, Title VI Coordinator
Department of Mines and Minerals

Date: April 29, 1999

**TITLE VI PLAN
1999 UPDATE**

**CABINET FOR PUBLIC PROTECTION AND REGULATION
DEPARTMENT OF MINES AND MINERALS
EFFECTIVE 01-01-95
REVISED 04-29-99**

**Changes and/or revisions relating to the
July 1999 annual update are printed in bold parenthesis.**

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I. PURPOSE AND/OR MISSION STATEMENT

The purpose of the Civil Rights Act of 1964, Title VI, is to assure that ...”No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

The Department of Mines and Minerals will continue to assure that any and all services provided by employees of the agency will be made fully available to all individuals, regardless of race, color or national origin.

(07/99 Update – no change)

II. SCOPE

Senate Bill 248, passed by the 1994 Regular Session of the Kentucky General Assembly, and codified as KRS 344.015 required:

- 1) all state agencies to develop a Title VI implementation plan by January 1, 1995;
- 2) each agency to submit a copy of the plan to the Auditor of Public Accounts and the Human Rights Commission;
- 3) each agency to submit annual compliance reports and plan updates to the Auditor of Public Accounts by July 1 every year;
- 4) the Auditor of Public Accounts to audit, evaluate and report on agencies Title VI plans;
- 5) that plans be available for copying;
- 6) that audits should determine compliance with the law; and
- 7) that federal funds should be utilized for any costs incurred in implementing Title VI of the Civil Rights Act of 1964.

(07/99 Update – no change)

III. RESPONSIBLE OFFICIAL

The responsibility for overseeing the implementation, regulation, monitoring and enforcement of the Title VI plan for the Department of Mines and Minerals resides with the Commissioner of the Department, the Director of Administrative Services and the Directors of the Divisions receiving federal funding. The Director of Administrative Services is the primary agency contact and any and all inquiries relating to Title VI should be sent to the following address:

Department of Mines and Minerals
Division of Administrative Services
Current Director: Shelley McConkey
P.O. Box 2244
Frankfort, KY 40601

The department will allocate the necessary staff and budgetary resources to assure programmatic access for all individuals, regardless of race, color or national origin. It is anticipated that up to five percent (5%) of the time of the Director and one additional employee will meet the needs of the plan.

(07/99 Update – responsibility resides with ... added Commissioner and Directors of Divisions receiving federal funding.)

IV. STATEMENT OF ASSURANCES

The Department of Mines and Minerals assures that every effort will be made to comply with Title VI of the 1964 Civil Rights Act. At this time there are no subrecipients to monitor, as no federal funds are channeled to other entities.

(07/99 Update – no change)

V. EFFECTIVE DATE

Pursuant to Senate Bill 248, the provisions of this Title VI plan are effective January 1, 1995.

(07/99 Update – no change)

VI. PROGRAMS/ACTIVITIES SUBJECT TO TITLE VI

The Division of Miner Training, Education and Certification currently receives federal assistance from the U.S. Department of Labor, Mine Safety and Health Administration. The potential beneficiaries of this program are any individual seeking safety training required to work in the mining industry.

The Division of Oil and Gas currently receives federal assistance from the U.S. Department of Energy. In addition to its regulatory functions, potential beneficiaries include oil and gas operators that may seek a copy of an “operator’s assistance manual”.

The Division of Mine Safety Inspection currently does not receive federal assistance. This program is regulatory in nature, as its mission is to assure a safe workplace for all coal miners. This program also regulates coal mine safety, and in addition observes and advises coal miners on the safest way to perform their job duties.

The Division of Mine Licensing currently does not receive federal assistance. This program issues mine licenses and monitors statutory violations.

The Division of Explosives and Blasting currently does not receive federal assistance. This program regulates the storage, transportation, purchase, possession and use of explosives.

The Division of Administrative Services currently does not receive federal assistance. This division provides fiscal, personnel and administrative support for the above listed programmatic divisions.

(07/99 Update – no change)

VII. COMPLAINT PROCEDURES/SYSTEM

Any individual alleging discrimination based on race, color or national origin has a right to file a complaint within 180 days of the alleged discrimination. All complaints, written or verbal, should be accepted. In the event a complainant refuses or is unable to put their allegations in writing, the complainant should be assisted in contacting the Department's Title VI Coordinator, Ms. Shelley McConkey. Ms. McConkey will assist by reducing the elements of the complaint into writing. Forms are available from the agency coordinator, but the use of such forms are not required for acceptance of the complaint.

Complaints should contain the following information:

- 1) Name, address and phone number of complainant if known.
- 2) The location and name of facility providing the service.
- 3) The nature of the incident that lead to the complaint.
- 4) The basis of the complaint, i.e. race, color or national origin.
- 5) Name, address and phone number of the witness(es) or other individual(s) who may have knowledge of the event.
- 6) The date or dates on which the alleged discriminatory event or events occurred.

Complaints received by the Department will be processed as follows:

- 1) All complaints received by the Agency Coordinator shall be forwarded to the Agency General Counsel.
- 2) The Agency General Counsel shall send the complainant a letter acknowledging receipt of the complaint, and shall attempt to set a time for either a telephone conversation or a meeting to discuss the events of the complaint.
- 3) Within ninety (90) days of receipt the General Counsel will conduct a preliminary inquiry to substantiate or refute any and all allegations, and report in writing the results of this preliminary inquiry.
- 4) If the allegations in the complaint are not substantiated, the complainant will be notified and informed how the determination was made. The notice should also inform the complainant of avenues to pursue the complaint beyond the agency.
- 5) If the preliminary inquiry indicated that there may be a problem, then a full investigation should be initiated. Any program found in violation of Title VI will be immediately changed to assure programmatic access regardless of race, color or national origin.

(07/99 Update – Agency Coordinator will forward complaints to the Agency General Counsel who shall send letter and conduct preliminary inquiry and full investigation if indicated.)

VIII. COMPLIANCE/NONCOMPLIANCE

The Department currently has neither subrecipients nor subgrantees. To assure compliance of all programs operated within the Department of Mines and Minerals (see Section VI), an annual self-evaluation will be conducted. The self-evaluation will examine all facets of the programs offered through the agency. Any instance in which the self-evaluation results in a determination that violations may exist will be followed by a full investigation by the agency coordinator. Full records and reporting will be maintained regarding such evaluations and investigations. The records will include resolution, enforcement, corrective action(s), and set a schedule for more frequent than annual monitoring.

(07/99 Update – no change)

IX. TRAINING

The Department of Mines and Minerals will provide written notice to all current employees concerning the agency's commitment to assuring compliance with Title VI by seeing that all programs are equally accessible regardless of race, color or national origin. A module will also be added to the agency orientation package for new employees. Should additional training become available, the agency coordinator will attend, and pass the benefit of the training on to pertinent staff members.

(07/99 Update – no change)

X. GOALS AND EVALUATION PROCEDURES

The Department of Mines and Minerals' agency coordinator will ensure that the agency, as well as any future subrecipients, continue to be in compliance with Title VI by periodically gathering data on the following types of information:

- The manner in which services are provided by the program;
- The color, race, and national origin statistics relating to the segment of the population served;
- Program employment data;
- A review of existing and proposed facilities to assure there is nothing to adversely effect the provision of services to the interested population – regardless of race, color and/or national origin;
- A review of minority membership on planning and/or advisory bodies of any future potential subrecipients.

The data gathering may include both research and field reviews.

(07/99 Update – no change)

XI. PUBLIC NOTIFICATION/OUTREACH

The Department of Mines and Minerals, as well as any future subrecipients, will take positive and specific actions to advise and inform the public about all available services and about their rights under Title VI. As part of the compliance procedures, the Department will display posters and other literature stating program compliance with Title VI. Civil rights requirements will be incorporated in all guidelines, and information on Title VI will be made available to the public. All published program information will include a statement that the program is available to all without regard to race, color or national origin.

07/99 Update – no change)

XII. RECORDKEEPING/REPORTING

The agency coordinator will prepare an annual summary of monitoring activities activities and compliant processing. In the future, should funds be distsributed to subrecipients, an annual report of that entity will also be acquired. The Department will compile, and submit upon request, a list of all complaints against programs, all instances of probable non-compliance with Title VI.

07/99 Update – no change)

XIII. MINORITY REPRESENTATION ON PLANNING AND/OR ADVISORY BOARDS

The Kentucky Mining Board is part of the Commissioner's Office. There are six members appointed by the Governor of Kentucky. At this time there are no minorities represented on the Board.

The Oil and Gas Deep Well Commission is administered under our Division of Oil and Gas. There are four members appointed by the Governor of Kentucky. At this time there are no minorities represented on the Commission.

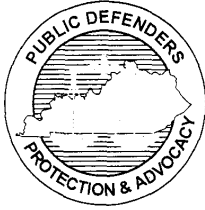
The staff of the Department of Mines and Minerals is currently one hundred seventy-four (174) employees. This includes four (4) minorities as defined by Title VI. The goal of the Department, Cabinet and Executive Branch of Kentucky State Government is to have 7.4% of our workforce comprised of minorities. The agency continues to attempt to identify, test and employ qualified minority applicants.

(07/99 Update – number of employees)

XIV. GLOSSARY/DEFINITION OF COMMON TERMS

- **Compliance:** The fulfillment of the requirements of Title VI, other applicable laws, implementing regulations, and instructions to the extent that no distinctions are made in the delivery of any service or benefit on the basis of race, color or national origin.
- **Compliant:** A verbal or written allegation of discrimination that indicated that a federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color or national origin.
- **Discrimination:** To make a distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color or national origin.
- **Federal Assistance:** Any Federal funding, property, or aid provided for the purpose of assisting a beneficiary.
- **Minority:** A person or group of persons differing from others in some characteristic(s) who may be subjected to differential treatment on the basis of race, color or national origin.
- **Noncompliance:** Failure and/or refusal to comply with Title VI of the Civil Rights Act of 1964 or other applicable civil rights laws.
- **Subrecipient:** Any public or private entity to whom federal financial assistance is tendered, through a grantee or recipient, for any program.

PUBLIC PROTECTION AND REGULATION CABINET
DEPARTMENT OF PUBLIC ADVOCACY



COMMONWEALTH OF KENTUCKY

DEPARTMENT OF PUBLIC ADVOCACY

100 Fair Oaks Lane • Suite 302 • Frankfort, Kentucky 40601 • (502) 564-8006 • FAX (502) 564-7890

April 27, 2000

Hon. Edward B. Hatchett, Jr.
Auditor of Public Accounts
Capitol Annex
Suite 144
Frankfort, Kentucky 40601

Dear Mr. Hatchett:

Enclosed is the Title VI update for the period July 1, 1998 through June 30, 1999, for the Department of Public Advocacy. This agency did not have a Title VI Coordinator from October 1999 to March 2000. At that time the Public advocate designate me Title VI Coordinator. Thus, the reason for the tardiness of this report.

The Department of Public Advocacy is responsible for providing services in two main areas: criminal defense representation of indigent citizens and advocating for the rights of individuals with developmental disabilities and/or mental illnesses. The provision of criminal defense representation to indigent citizens encompasses approximately 80% of the Department's mission.

We continually monitor the delivery of services by permanent employees, as well as independent contracting agents. Although we cannot deny the provision of services to eligible clients, we are aware of the potential for discrimination. The critical review of service delivery and employee performance is at the center of the Department's continuing effort to avoid discrimination. Language is included in all contracts that indicates discrimination in the provision of services authorized and compensated by the Department is not acceptable and will not be tolerated.

The Department did not have any incidents of discrimination filled against it during this period.

If you have any questions or comments, please contact me at 564-8006, ext. 116.

Sincerely,

Alfred G. Adams, Jr.
Human Resources Administrator



An Equal Opportunity Employer M/F/D

Title VI Implementation Plan Update
Kentucky Department of Public Advocacy
(July 1, 1998 - June 30, 1999)

Glossary

No Changes were made.

Overview

No changes were made.

III. Scope

No changes were made.

IV. Responsible Official

The Department of Public Advocacy's Title VI Implementation Plan was updated to include the names, titles, addresses, and telephone numbers of the responsible official and Title VI Coordinator.

Alfred G. Adams, Jr.
Human Resources Administrator
ADA, EEO, Title VI and Safety Programs
100 Fair Oaks Lane, Suite 302
Frankfort, Ky. 40601
502/564-8006

Larry Beale
General Counsel
EEO Programs
100 Fair Oaks Lane,
Frankfort, Ky. 40601

V. Statement of Assurances

No changes were made.

VI. Programs and Activities Subject to Title VI

The Department of Public Advocacy's Title VI Implementation Plan has been updated with current federal contracts.

VII. Complaint Procedures/System

The Department of Public Advocacy has received no complaints regarding Title VI compliance for the time period of July 1, 1998 - June 30, 1999.

VIII. Compliance/Non-Compliance

No changes were made.

IX. Training

New employees continue to receive Title VI information during orientation. Information will be distributed to all employees periodically.

The Department of Public Advocacy continues its professional training program mandated for executive directors, directors, principal assistants, assistant directors, branch managers, and section supervisors. Employees in these positions are required to attend the classes provided through Governmental Services Center, which include instruction in equal employment/affirmative action issues.

The required courses include: Leadership I, Managing Organizational Change, Dealing with Conflict, Managing Relationships at Work, Performance Management, Discipline and Disciplinary Action, Equal Employment Opportunity and You, Improving Interpersonal Communication, Managing Under the Merit System, Leadership II, or Leadership III.

X. Goals and Evaluation Procedures

The Department of Public Advocacy continues to update its Title VI Implementation Plan to refine the goals and evaluation procedures.

Discussions include methods to be used to meet Title VI compliance, the review and update of the statement of assurance document to all federal grants. Copies of federal and state-mandated notices are distributed for posting at each of the department's work locations including all new locations.

XI. Public Notification/Outreach

No changes were made.

XII. Recordkeeping/Reporting

To date, the Department has not received any complaints of discrimination in the provision of services. Annual surveys will be completed by division directors and maintained on file in the Title VI Coordinator's office for auditing purposes. An annual compliance report is to be submitted to the Public Advocate.

XIII. Minority Representation

The Public Advocate has directed that the permanent workgroup to address recruiting, retention, employment and opportunity issues with regard to affirmative action within the Department of Public Advocacy be reactivated.

PUBLIC PROTECTION AND REGULATION CABINET
PUBLIC SERVICE COMMISSION



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
(502) 564-**3940**

MEMORANDUM

TO: Suzanne Renaud
Auditor of Public Accounts

FROM: Judy R. Maynard
Director, Administrative Services

DATE: June 24, 1999

SUBJECT: Title VI Implementation Plan Update

Enclosed for submission is the Title VI Annual Compliance Report and Implementation Plan Update for the Public Service Commission as required by Senate Bill 248.

Enclosure

AN EQUAL OPPORTUNITY EMPLOYER M/F/D

CHECKLIST FOR DETERMINING COMPLIANCE AND WRITTEN FINDING OF COMPLIANCE
PUBLIC PROTECTION AND REGULATION

PUBLIC SERVICE COMMISSION

A. CHECKLIST

YES NO

1. Is the data provided by the applicant sufficient for determining that benefits and services are or will be available without discrimination on the basis of race, color or national origin.	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
2. Did the applicant provide the racial composition of the area served?	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
3. Did the applicant provide the population eligible to be served by race, color, or national origin?	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
4. Is employment data provided?	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
5. Will the location of the existing facility or relocation of the facility have the effect of or deny access to any person on the basis of race, color or national origin?	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>
6. Does the composition of planning or advisory committees reasonably represent program participation by race color or national origin?	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
7. Has the applicant been advised to immediately notify the grantor agency of the Education, Arts and Humanities Cabinet of any complaints or lawsuits filed against the applicant?	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
8. Does the applicant presently have a pending application for federal assistance with other federal agencies?	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>
9. Has a civil rights compliance review been conducted at the applicant's site by any federal or state agency within the last two years?	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>
10. Has a federal or state agency found the applicant in noncompliance with any civil rights requirements?	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>

B. WRITTEN FINDING OF COMPLIANCE

THIS IS TO CERTIFY THAT THE APPLICATION AND DATA SUBMITTED BY THE ABOVE APPLICANT WAS REVIEWED AND THE APPLICANT (IS)_____IS_____(IS NOT)_____FOUND IN COMPLIANCE WITH TITLE VI.

Civil Rights Coordinator

Date

Appendix B

IMPLEMENTATION PLAN UPDATE
JULY, 1 1999

- I. PURPOSE AND/OR MISSION – No Change
- II. SCOPE/LEGAL AUTHORITY – No Change
- III. RESPONSIBLE OFFICIAL – No Change
- IV. STATEMENT OF ASSURANCES – No Change
- V. EFFECTIVE DATE – No Change
- VI. PROGRAMS/ACTIVITIES SUBJECT TO TITLE VI – No Change
- VII. COMPLIANT PROCEDURES/SYSTEM – No change
- VIII. COMPLIANCE/NONCOMPLIANCE – No Change
- IX. TRAINING – No Change
- X. GOALS AND EVALUATION PROCEDURES – Goals Achieved
- XI. PUBLIC NOTIFICATION/OUTREACH – Achieved
- XII. RECORDKEEPING/REPORTING – Procedure Established
- XIII. MINORITY REPRESENTATION ON BOARDS – Updated (121 Staff
With 7 Minorities Constituting 5.8%)
- XIV. GLOSSARY/DEFINITION OF COMMON TERMS – No Change

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- i. OVERVIEW
- I. PURPOSE AND/OR MISSION
- II. SCOPE/LEGAL AUTHORITY
- III. RESPONSIBLE OFFICIAL
- IV. STATEMENT OF ASSURANCES
- V. EFFECTIVE DATE
- VI. PROGRAMS/ACTIVITIES SUBJECT TO TITLE VI
- VII. COMPLIANT PROCEDURES/SYSTEM
- VIII. COMPLIANCE/NONCOMPLIANCE
- IX. TRAINING
- X. GOALS AND EVALUATION PROCEDURES
- XI. PUBLIC NOTIFICATION/OUTREACH
- XII. RECORDKEEPING/REPORTING
- XIII. MINORITY REPRESENTATION ON BOARDS
- XIV. GLOSSARY/DEFINITION OF COMMON TERMS

OVERVIEW

The Kentucky Public Service Commission, an agency under the jurisdiction of the Public Protection and Regulation Cabinet, is a three-member administrative body with quasi-legislative and quasi-judicial duties. The Commission is made up of the Commissioner's Office, the Executive Director's Office, and five organizational Divisions.

The Commissioner's Office is comprised of three full-time Commissioners, each appointed by the Governor, with consent of the Senate to a staggered four-year term. The Governor names the Chairman, a Vice Chairman to serve in the Chairman's absence, and a Commissioner. No more than two members may be of the same occupation. Commissioners review and decide cases filed with the PSC, issue regulations, develop policy and oversee PSC operations. They work with staff to conduct investigations, hold hearings and public meetings, and review testimony and exhibits filed by utilities and other parties that appear before them.

The Executive Director's Office oversees the Automated Services Section, the Public Information Office, the Consumer Services Branch, and the Docket Control Section. The office manages all case files, maintains records of Commission proceedings, receives formal filings, schedules hearings, attests Commission orders and responds to all inquiries. The Executive Director serves as the Chief Administrative Officer for the Commission and is responsible for staff direction and coordination in implementing the programs and duties of the 117 member staff.

The Division of Rates and Research analyzes economic issues, evaluates statistical and financial models filed before the Commission, and develops and evaluates rate proposals, cost of service studies, optional rate designs and revenue normalization.

The Division of Engineering Services oversees the service aspects of utility operations, including service and safety investigations, accident investigations, utility plant inspections, and analysis of utility requests for construction certificates, changes in depreciation rates, service related expenses in rate cases, and load management programs. The Division assists in the development of emergency plans to meet service interruptions and administers certain federally mandated gas pricing, gas safety, and conservation programs.

The Division of Legal Services provides legal assistance to the Commission and staff representation in rate proceedings, formal complaint hearings, shoe cause proceedings, and investigations.

The Division of Financial Analysis provides expert financial advice relative to utility requests for rate increases, financing and acquisitions, analysis and determination of utility revenue requirements, and analysis of federal charges and filings that could affect state ratepayers.

The Division of Administrative Services provides fiscal, personnel and property management support for the Commission.

I. PURPOSE AND/OR MISSION STATEMENT

The purpose of the Civil Rights Act of 1964, Title VI, is to assure that . . .”no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

The Kentucky Public Service Commission will continue to assure that any and all services provided by employees of the agency will be made fully available to all individuals, regardless of race color or national origin.

II. SCOPE

Senate Bill 248, passed by the 1994 Regular Session of the Kentucky General Assembly, and codified as KRS 344.015 requires:

- 1) all state agencies develop a Title VI implementation plan by January 1, 1995;
- 2) each agency submit a copy of the plan to the Auditor of Public Accounts and the Human Rights commission;
- 3) each agency submit annual compliance reports and plan updates to the Auditor of Public Accounts by July 1 every year.
- 4) the Auditor of Public Accounts audit, evaluate and report on agencies' Title VI plans;
- 5) that plans be available for copying;
- 6) that audits should determine compliance with the law; and,
- 7) that federal funds should be utilized for any costs incurred in implementing Title VI of the Civil Rights Act of 1964.

III. RESPONSIBLE OFFICIAL

The responsibility for overseeing the implementation, regulation, monitoring and enforcement of the Title VI plan for the Kentucky Public Service Commission is as follows:

Office of the Executive Director: Helen C. Helton
Deputy Executive Director: Joseph Schweinhart
Public Service Commission
730 Schenkel Lane
P.O. Box 630
Frankfort, Kentucky 40602

As the primary contact, any inquiries relating to Title VI should be sent to the above address. The Executive Director's Office will allocate the necessary staff and budgetary resources to assure programmatic access for all individuals, regardless of race, color or national origin. It is anticipated that no more than five (5) percent of the time of the Director and one assistant will meet the needs of the plan.

IV. STATEMENT OF ASSURANCES

The Commission assures that every effort will be made to comply with Title VI of the 1964 Civil Rights Act. At this time there are no subrecipients to monitor, as no federal funds are channeled to other entities.

V. EFFECTIVE DATE

Pursuant to Senate Bill 248, the provisions of this Title VI plan will be effective January 1, 1995.

VI. PROGRAMS/ACTIVITIES SUBJECT TO TITLE VI

On behalf of the Commission, the Office of Pipeline Safety/Gas Safety Branch of the Division of Engineering Services, currently receives federal assistance from the U.S. Department of Transportation. The potential beneficiaries of this program are any person qualifying for a position of investigator, investigator supervisor, branch manager or administrative secretary for the branch. The Gas Pipeline Safety Branch does not provide training for the gas pipeline industry, but performs compliance inspections of gas utilities for compliance with applicable federal and state safety regulations.

VIII. COMPLAINT PROCEDURES/SYSTEM

Any individual alleging discrimination based on race, color or national origin has a right to file a complaint within 180 days of the alleged discrimination . All complaints, written or verbal, should be accepted. In the event a complainant refuses or is unable to put their allegations in writing , the complainant should be assisted in contacting the Commission's Title VI Agency Coordinator, Judy R. Maynard. Ms. Maynard will assist by reducing the elements of the complaint into writing. Forms are available from the agency coordinator, but the use of such forms are not required for acceptance of the complaint.

Complaints should contain the following information:

- 1) Name, address and phone number of complainant if known;
- 2) The location and name of the facility providing the service;
- 3) The nature of the incident that lead to the complaint;
- 4) The basis of the complaint; i.e., race, color or national origin;
- 5) Name, address and phone number of witness(es) or other individual(s) who may have knowledge of the event; and,
- 6) The date or dates on which the alleged discriminatory event or events occurred.

Complaints received by the Commission will be processed as follows:

- 1) All complaints shall be forwarded to the agency coordinator;
- 2) The agency coordinator shall send the complainant a letter acknowledging receipt of the complaint, and shall attempt to set a time for either a telephone conversation or a meeting to discuss the events of the complaint;
- 3) Within ninety (90) days of receipt, the agency coordinator will conduct a preliminary inquiry to substantiate or refute any and all allegations, and report in writing the results of the preliminary inquiry;
- 4) If the allegations in the complaint are not substantiated, the complainant will be notified and informed how the determination was made. The notice should also inform the complainant of avenues to pursue the complaint beyond the agency; and
- 5) If the preliminary inquiry indicates that there may be a problem, then a full investigation should be initiated. Any program, found in violation of Title VI will be immediately changed to assure programmatic access regardless of race, color, or national origin.

VIII. COMPLIANCE/NONCOMPLIANCE

The Commission currently has neither subrecipients nor subgrantees. To assure compliance of all programs operated within the Commission (see Section VI), an annual self-evaluation will be conducted. The self-evaluation will examine all facets of the programs offered through the agency. Any instance, in which the self-evaluation results in a determination that violations may exist, will be followed by a full investigation by the agency coordinator. Full records and reporting will be maintained regarding such evaluations and investigations. The records will include resolution, enforcement, corrective action(s), and set a schedule for more frequent than annual monitoring.

IX. TRAINING

The Commission will provide written notice to all current employees concerning the agency's commitment to assuring compliance with Title VI by seeing that all programs are equally accessible regardless of race, color or national origin. A module has been included in the agency orientation package for new employees. Should additional training become available, the agency coordinator will attend, and pass the benefit of the training on to pertinent staff members.

X. GOALS AND EVALUATION PROCEDURES

The Commission's agency coordinator will ensure that the agency, as well as any future subrecipients, continue to be in compliance with Title VI by periodically gathering data on the following types of information:

- 1) The manner in which services are provided by the program;
- 2) The color, race, and national origin statistics relating to the segment of the population to be served;
- 3) Program employment data;
- 4) A review of existing and proposed facilities to assure there is nothing to adversely affect the provision of services to the interested population – regardless of race, color, and/or national origin;
- 5) A review of minority membership on planning and/or advisory bodies of any future potential subrecipients.

The data gathering may include both research and field reviews.

XI. PUBLIC NOTIFICATION/OUTREACH

The Commission, as well as any future subrecipients, will take positive and specific actions to advise and inform the public about all available services and about their rights under Title VI. As part of the compliance procedures, the Commission will display posters and other literature stating program compliance with Title VI. Civil rights requirements will be incorporated in all guidelines, and information on Title VI will be made available to the public. All published program information will include a statement that the program is available to all without regard to race, color and national origin.

XII. RECORDKEEPING/REPORTING

The agency coordinator will prepare an annual summary of monitoring activities and complaint processing. In the future, should funds be distributed to subrecipients, and annual report of that entity will also be acquired. The Commission will compile and submit upon request, a list of all complaints against programs, all instances of probable non-compliance with Title VI and a yearly strategy for compliance.

XIII. MINORITY REPRESENTATION ON PLANNING AND/OR ADVISORY BOARDS

The Public Service Commission is comprised of three members appointed by the Governor. There is one minority on the Commission at this time serving as Vice-Chairman. The staff of the Commission is currently 121, including 7 minorities (5.8 percent) as defined by Title VI. The goal of the Commission, Cabinet and Executive Branch of the State Government is to have 7.4 percent or our workforce comprised of minorities. The agency continues to attempt to identify, test and employ qualified minority applicants.

XIV. GLOSSARY/DEFINITION OF COMMON TERMS

Compliance: The fulfillment of the requirements of Title VI, other applicable laws, implementing regulations, and instructions to the extent that no distinctions are made in the delivery of any service or benefit on the basis of race, color or national origin.

Complaint: A verbal or written allegation of discrimination that indicates that a federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color or national origin.

Discrimination: To make a distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color or national origin.

Federal Assistance: Any Federal funding, properly or aid provided for the purpose of assisting a beneficiary.

Minority: A person or group of persons differing from others in some characteristic(s) who may be subjected to differential treatment on the basis of race, color or national origin.

Noncompliance: Failure and/or refusal to comply with Title VI of the Civil Rights Act of 1964 or other applicable civil rights laws.

Subrecipient: Any public or private entity to whom federal financial assistance is tended, through a grantee or recipient, for any program.

KENTUCKY REVENUE CABINET

July 10, 1999

Ms. Linda Sagraves
Auditor of Public Accounts Office
2439 W.S. 127 South
Frankfort, KY 40601

Dear Ms. Sagraves:

Please find enclosed our annual title VI compliance report and implementation plan update as required by KRS 344.015 (2) (C) and 45 KAR 1:080, Section (1) (7) and Section 2.

If you have questions or need additional information, please contact my office.

Sincerely,

Sarah Jane Schaaf, Secretary
Revenue Cabinet

Cc: Anthony Leachman, Director
Division of State Audit

Janet Creech, EEO Coordinator
Revenue Cabinet

OVERVIEW OF THE CABINET

The organizational structure of the Kentucky Revenue Cabinet consists of four departments and three offices as follows: The Office of the Taxpayer Ombudsman, Office of General Counsel, The Department of Property Valuation, The Department of Compliance and Taxpayer Assistance, The Department of Information Technology and the Department of Law. The Cabinet also has eleven taxpayer service centers located throughout the state in Ashland, Pikeville, Hazard, Corbin, Lexington, Louisville Northern Kentucky, Bowling Green, Hopkinsville, Paducah and Owensboro.

MISSION STATEMENT

The Revenue Cabinet's mission is to provide courteous, accurate and efficient services for the benefit of Kentucky and its citizens, and to administer the tax laws of the Commonwealth in a fair and impartial manner.

The Revenue Cabinet recognizes that the administration of Kentucky's tax laws is a challenging and sometimes controversial responsibility, and therefore, complements its mission with a tax administration philosophy of a commitment to service. The Cabinet is committed to providing high standards of service and flexibility and effectiveness in serving taxpayers, to providing quality service to taxpayers and to ensure fair and impartial tax administration and enforcement.

To address its mission and carry out its general strategy, the Revenue Cabinet will seek to achieve the following goals:

- 1) To provide quality service to the taxpayers of Kentucky;
- 2) To improve voluntary compliance by taxpayers;
- 3) To enforce tax compliance;
- 4) To develop a capable workforce that is both encouraged and empowered; and
- 5) To improve the methods of tax administration through the use of new technologies.

BACKGROUND INFORMATION

The purpose of Title VI of the Civil Rights Act of 1964 is to prohibit programs which receive federal funds from discriminating against participants or clients on the base of race, color, sex or national origin. The intent of the law is to ensure that all persons are allowed to participate in these federally funded programs without regard to their race, color or national origin.

In 1994, Kentucky's General Assembly enacted Senate Bill 248 that required all agencies receiving any type of federal funding to develop Implementation Plans related to Title VI by January 1, 1995. Further, each agency must compile annually a status report related to compliance efforts by June 30 of each subsequent fiscal year.

FEDERAL FUNDS RECEIVED BY THE REVENUE CABINET (PROGRAMS OR ACTIVITIES SUBJECT TO TITLE VI)

The Revenue Cabinet currently receives federal funding in the amount of \$25,000 from the Federal Highway Administration. This grant enables the KRC to obtain partial reimbursement costs up to \$25,000 incurred to monitor compliance programs related to Motor Fuels Tax evasion. The compliance information is then shared with the Federal Highway Administration

RESPONSIBLE OFFICIAL

The Secretary of the Cabinet will continue to be responsible for compliance with the provisions of Title VI of the Civil Rights Act. The responsibility for coordinating compliance of the plan and Title VI is assigned to the Branch manager, Human Resources, Office of Financial and Administrative Services, who also serves as EEO Coordinator for the entire Cabinet.

TOURISM DEVELOPMENT CABINET

COMMONWEALTH OF KENTUCKY

TOURISM DEVELOPMENT CABINET

ASSURANCE OF COMPLIANCE

CIVIL RIGHTS

TITLE VI

IMPLEMENTATION PLAN UPDATE

KRS 344.015

July 1, 1999

I. GLOSSARY

Assurance: A written statement or contractual agreement signed by the agency head in which a recipient agrees to administer federally assisted programs in accordance with civil rights laws and regulations.

Compliance: The fulfillment of the requirements of Title VI, other applicable laws, implementing regulations, and instructions to the extent that no distinctions are made in the delivery of any service or benefit on the basis of race, color, or national origin.

Complaint: A verbal or written allegation of discrimination that indicates that a federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, or national origin.

Discrimination: To make any distinction between one person or group of persons and others either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, or national origin.

Federal Assistance: Any federal funding, property, or aid provided for the purpose of assisting a beneficiary.

Grantee: Any public or private agency, institution, or organization to whom federal financial assistance is intended for any program.

Minority: A person or group of persons differing from others in some characteristics who may be subjected to differential treatment on the basis of race, color, or national origin.

Non-compliance: Failure or refusal to comply with Title VI of the Civil Rights Act of 1964, other applicable civil rights laws, and implementing departmental regulations.

Subgrantee: Any public or private agency, institution, or organization to whom federal financial assistance is intended (through another recipient) for any program.

II. OVERVIEW OF THE CABINET

(No Change to this Section)

The Kentucky Tourism Development Cabinet consists of the following five agencies: (1) the Kentucky Horse Park; (2) the Department of Travel; (3) the

Department of Fish & Wildlife Resources; (4) the Kentucky Fair & Exposition Center (State Fair Board); and (5) the Department of Parks. The Office of the Secretary provides direction for, and coordinates the efforts of, the Cabinet's agencies. The mission of each agency which receives federal funds is as follows:

THE DEPARTMENT OF PARKS

The Department of Parks' mission is to protect and preserve the cultural, historical, and natural resources of the Kentucky State Parks. It provides and promotes quality recreational and interpretive opportunities, and serves as a catalyst for tourism and economic development.

THE DEPARTMENT OF FISH & WILDLIFE RESOURCES

The Department of Fish & Wildlife Resources' mission is to preserve Kentucky's wildlife resources and provide recreational opportunities for the public's interacting with wildlife resources.

THE DEPARTMENT OF TRAVEL

The Department of Travel's mission is to market the Commonwealth as a tourist destination. The department's marketing efforts are aimed at increasing the amount of money spent by tourists, thereby creating additional state and local tax revenues, employment opportunities.

ties, and personal income for Kentucky citizens. This is accomplished primarily through an integrated advertising campaign, production of travel literature, and answering the hundreds of thousands of requests for Kentucky vacation information received each year.

The purpose of Title VI of the Civil Rights Act of 1964 is to prohibit programs which received federal funds from discriminating against participants or clients on the basis of race, color, or national origin. It is the intent of the cabinet that each agency carry out its mission in total compliance with Title VI.

III. SCOPE

(No Change to this section)

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin. The 1994 General Assembly of the Commonwealth of Kentucky enacted Senate Bill 248 which requires state agencies to develop Title VI implementation plans by January 1, 1995. Grantees and subgrantees are prohibited from discriminating on the basis of race, color, or national origin by:

- denying a person any service, financial aid, or benefits extended under a program;
- providing any service, aid, or benefit to a person that is different in kind or manner from that provided to others under the program;

- subjecting a person to segregation or other discriminatory treatment in any manner related to the receipt or non-receipt of the service, aid, or benefit;
- restricting a person in any way in enjoying services, facilities, or any other advantage, privilege, property, or benefit provided to others under the program;
- treating a person differently from others in determining whether he or she satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition that people must meet to receive any service, aid, or benefit;
- denying or affording a person an opportunity to participate in a program (including the opportunity to participate as a grantee, sub-grantee, or contractor) in a way that is different from that afforded others in the program; and
- denying a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program.

IV. RESPONSIBLE OFFICIAL

(No Change to this Section)

45 KAR 1:080 Section 4(4) requires a listing of the name, title, address, and telephone number of Title VI responsible individual(s) for each agency as follows:

1. Sarah O. Hernandez, Assistant General Counsel, 500 Mero Street, Capital Plaza Tower, Room 1209, Frankfort, KY 40601; telephone: (502) 564-2391;
2. Lynne McWilliams, Personnel Director, Department of Parks, 500 Mero Street, Capital Plaza Tower, Room 1127, Frankfort, KY 40601; telephone: (502) 564-2172, extension 353; and
3. Bob Bates, Director, Department of Fish & Wildlife Resources, #1 Game Farm Road, Frankfort, KY 40601; telephone: (502) 564-3400.

V. STATEMENT OF ASSURANCES

(No Change to this Section)

This Statement of Assurances includes a statement indicating all parties have complied with Title VI. [45 KAR 1:080 Section 4(5)(a)]. All agencies of the Tourism Development Cabinet which receive federal funds, as well as its subgrantees, are required to sign a non-discrimination clause prior to receiving any federal loan, contract, or grant. In signing the assurances, a grant or subgrant applicant certifies that it will:

Comply with all federal statutes relating to non-discrimination. These include, but are not limited to, Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color, or national origin.

If the subgrantee agrees in writing to adopt the Title VI plan of the Cabinet, the subgrantee will be considered in compliance. If the subgrantee's plan differs from the cabinet plan, the subgrantee must submit the plan to its respective funding agency and the staff person responsible for Title VI will have it available for review for any interested party.

The Department of Fish & Wildlife Resources will maintain its recipients' statements on file in its agency. The Office of the Secretary, Office of Counsel, shall maintain all other remaining recipient statements.

VI. EFFECTIVE DATE

(No Change to this Section)

Pursuant to Senate Bill 248, **January 1, 1995**, is the effective date of the Title VI implementation plan. The Tourism Development Cabinet shall submit yearly updates.

VII. IDENTIFY PROGRAMS OR ACTIVITIES SUBJECT TO TITLE VI

The **Department of Fish & Wildlife Resources** is currently receiving federal assistance in order to administer the following programs:

1. **PITTMAN/ROBINSON FUNDS:** These funds are used to manage wildlife and habitats, conduct research, and inventories, regulate wildlife use,

monitor public opinion, and promote awareness of wildlife issues in order to sustain, enhance, and restore national diversity. This is done in partnership with people, using acquired knowledge to understand and manage these resources to meet the needs of present and future generations. All grantees and subgrantees will be required to comply with Title VI guidelines.

2. **WALLOP/BREAUX FUNDS:** These funds are used to understand aquatic resource requirements and capacities, and to determine constituency expectations in order to safeguard Kentucky's aquatic communities and provide appropriate user opportunities. All grantees and subgrantees will be required to comply with Title VI guidelines.

3. **COAST GUARD FUNDS:** These funds are used to enforce laws and regulations which encourage maximum use of boating safety.

All grantees and subgrantees will be required to comply with Title VI guidelines. If or when additional federal funding becomes available, Title VI compliance will be required. The **Department of Parks** is currently receiving federal assistance from the Institute of Museum Services, an independent agency within the federal Executive Branch, established by an act of Congress in 1976, to encourage and assist museums in modernizing its methods and facilities to conserve our cultural, historic, and scientific heritage. The Department of parks applies for Conservation Assessment Program (CAP) grants for historic sites operated by the Department of Parks. If or when

additional federal funding becomes available, Title VI compliance will be required.

The **Department of Travel** is currently receiving federal assistance from the Appalachian Regional Commission (ARC). All grantees and subgrantees will be required to comply with Title VI guide-lines. If or when additional federal funding becomes available, Title Vi compliance will be required.

The **Office of the Secretary** is currently receiving federal assistance from the Economic Development Administration to develop a master plan for Kentucky tourism. All grantees and subgrantees will be required to comply with Title VI guidelines. If or when additional federal funding becomes available, Title VI compliance will be required. There are no new identifiable programs or activities subject to Title VI within any of the Tourism Development Cabinet agencies subject to this implementation plan update.

VIII. COMPLIANT PROCEDURES/SYSTEM

(No Change to this Section)

Any person alleging discrimination based on race, color, or national origin has a right to file a complaint within 180 days of the alleged discrimination with the Title VI Coordinator and/or cabinet official. All complaints (written or verbal) will be accepted. In the event a complainant refuses or is unable to put his/her allegations in writing, a staff person will assist in reducing the elements of the complaint in writing.

Procedures are in place in each agency to aid a complainant in filing a complaint. The use of such forms are not required for acceptance of a complaint. However, complaints should contain the following information:

- name, address, and telephone number of the complainant (if known);
- the location and name of the entity delivering the service;
- the nature of the incident that led the complainant to feel discrimination was a factor;
- names, addresses, and telephone numbers of people who may have knowledge of the event;
- the date or dates on which the alleged discriminatory event or events occurred.

Complaints received by the Cabinet will be handled as follows:

- complaint should be handled within 90 days of its receipt;
- a letter should be sent acknowledging receipt of the complaint and requesting a time and date an investigator can reach the complainant by telephone to discuss the complaint;
- a preliminary inquiry should be conducted on each complaint to substantiate or refute the allegations;
- if the preliminary inquiry indicates that there may be a problem, then a full complaint investigation should be initiated. (Refer to COMPLIANT/NON-COMPLIANCE).
- if the allegations are not substantiated, the complainant will be notified and told how the determination was made.

IX. COMPLIANCE/NON-COMPLIANCE

(No Change to this Section)

Whenever a compliance review, report, complaint, or any other information indicates non-compliance, the agency will initiate a prompt investigation. The investigation will include a review of the pertinent practices and policies of the recipient, the circumstances under which the possible non-compliance occurred, and other factors relevant to determining whether the recipient has failed to comply. If there is no basis for the complaint, the grantee will be notified of that fact in writing. If there is a basis for the complaint, the informal process of negotiation compliance begins.

The grantor agency must attempt to convince the grantee to comply voluntarily. The informal process may involve telephone calls or field visits. If negotiations continue for more than 60 days, the next mandated procedure involves a formal hearing by the agency on the alleged non-compliance.

A typical hearing will provide for due notice to all of the parties, the right to counsel of the applicant or recipient, and judicial review of any hearing decision. No action by the agency will become effective until 30 days after this notice.

Court action might be used to:

- enforce assurances signed by the grantee and/or sub-grantee, covenants that are party of federally provided property, statements of compliance, or desegregation plans filed pursuant to agency regulations;
- enforce compliance with other civil rights statutes;
- initiate or intervene in a suit for other relief designed to secure compliance.

Additionally, the grantor agency can force compliance by involving other agencies that are connected to the grant program.

X. TRAINING

(No Change to this Section)

Employees of the Tourism Development Cabinet will receive an orientation regarding the obligations and rights involved in the Title VI program. In-service training programs for all employees should continually apprise staff of their responsibility to render a high quality of services to all clients regardless of their race, color, or national origin. Applicants for competitive subgrants who are awarded federal monies will be apprised of their responsibilities under the Title VI Civil Rights Act.

XI. GOALS AND EVALUATION PROCEDURES

(No Change to this Section)

The responsible department official will ensure that the grantee continues to be in compliance with Title VI by periodically gathering from the grantee the following types of information:

- the manner in which the service are (or will be) provided by the program;
- the eligible population to be served (insofar as practicable) broken down by race, color, and national origin;
- program employment data;
- the location of existing or proposed facilities connected with the program (to determine the effect of unnecessarily denying access to any person);
- the current or proposed membership (by color, race, or national origin) in any planning or advisory body that is an integral part of the program;
- where relocation is involved, the requirements and steps used to guard against unnecessary impact on people on the basis of race, color, or national origin.

Any program review might include visits by field representatives. For the purpose of monitoring the compliance activities, the Cabinet will maintain a task force comprised of various agency staff which will meet at least once a year to review the prior year's activities. This yearly meeting will focus primarily on complaints filed during the year. Any significant problems of general compliance will also be addressed.

XII. PUBLIC NOTIFICATION/OUTREACH

(No Change to this Section)

The Cabinet and its secondary recipients will take positive and specific action to advise and inform the public about all available services and about their rights under Title VI. As part of its compliance procedures, the Cabinet and the grantee will (where possible) display posters and other literature stating that its program is in compliance with Title VI. Civil rights requirements will be included in all guidelines, and information on Title VI will be made available to the public. All published program information will include a statement that the program is available to all without regard to race, color, or national origin.

XIII. RECORD KEEPING

(No Change to this Section)

Each agency or department within the Tourism Development Cabinet will prepare an annual summary of its respective monitoring activities and complaint processing and a Civil Rights evaluation. The reports will be submitted annually to the Secretary of the Tourism Development Cabinet. The Secretary will distribute these reports to agency designees which will include them in their annual review.

Each grantor agency is required to compile and submit, upon request, a list of all complaints filed against each program, each instance or probable

noncompliance with Title VI, and a yearly enforcement strategy. There is no change to this section.

**XIV. MINORITY REPRESENTATION ON PLANNING
BOARD AND/OR ADVISORY BODY**

(No Change to this Section)

Whenever a planning or advisory body, e.g. a board or committee, is an integral part of the recipient's program, the agency shall take steps as are necessary to ensure that minorities are notified of the existence of such bodies and are provided equal opportunity to participate as members. Where members of the board or committee are appointed by the Cabinet or agency, the Cabinet or agency must appoint a minority representative to serve on the board or committee.

It is the goal of statement and of this Cabinet to achieve a work-force as diverse as the population of the Commonwealth. Our current goals are to have 7.4% of our workforce to be comprised of minorities. There is no change to this section.

TRANSPORTATION CABINET



Commonwealth of Kentucky
Transportation Cabinet
Frankfort, Kentucky 40622

James C. Codell, III
Secretary of Transportation

Paul E. Patton
Governor

T. Kevin Flanery
Deputy Secretary

July 1, 1999

Ms. Alice Wilson
Commonwealth of Kentucky
Auditor of Public Accounts
Office of Public Accounts
2439 U.S. 127 South
Frankfort, KY 40601

Dear Ms. Wilson

SUBJECT: TITLE VI UPDATE

Enclosed is the Kentucky Transportation Cabinet's 1998-99 Title VI Update. If we may be of additional assistance, do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Norris Beckley".

Norris E. Beckley
Executive Director
Office of Minority Affairs

AQW/NEB/MRT

Enclosure



KENTUCKY TRANSPORTATION CABINET
"PROVIDE A SAFE, EFFICIENT, ENVIRONMENTALLY SOUND, AND FISCALLY RESPONSIBLE TRANSPORTATION SYSTEM
WHICH PROMOTES ECONOMIC GROWTH AND ENHANCES THE QUALITY OF LIFE IN KENTUCKY."
"AN EQUAL OPPORTUNITY EMPLOYER M/F/D"



TRANSPORTATION CABINET

Office of Minority Affairs

Title VI Program Update

[July 1, 1998 through June 30, 1999]

James C. Codell, III, Secretary of Transportation Cabinet
Norris E. Beckley, Executive Director, Office of Minority Affairs
Alvin Q. Wilson, Title VI Coordinator

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POLICY STATEMENTS AND STANDARD ASSURANCES



Commonwealth of Kentucky
Transportation Cabinet
 Frankfort, Kentucky 40622

James C. Codell, III
 Secretary of Transportation

Paul E. Patton
 Governor

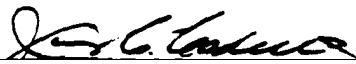
T. Kevin Flanery
 Deputy Secretary

TITLE VI
POLICY STATEMENT

It is the policy of the Kentucky Transportation Cabinet to afford equal opportunity to all persons to the end that no person in the United States shall, on the grounds of race, color, sex, disability, age or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the U. S. Department of Transportation.

Programs and activities to which this policy applies include, but are not limited to, the use of grants in connection with federal-aid highway systems, the Surface Transportation and Relocation Assistance Act of 1987, the Highway Safety Act of 1966, and the National Traffic and Motor Vehicle Safety Act of 1966, leases of real property and the grant of permits, licenses, easements and rights of way covering real property, Urban Mass Transportation Research Programs, and other grants for the support of basic scientific research.

Signed and approved this 22nd day of June, 1999.


James C. Codell, III
 Secretary of Transportation

**APPROVED AS TO FORM
 AND LEGALITY**


 Office of General Counsel

I have read this policy statement and understand the provisions contained within and acknowledge receipt of this policy.

 Signature Date

 Social Security Number





Commonwealth of Kentucky
Transportation Cabinet
 Frankfort, Kentucky 40622

James C. Codell, III
 Secretary of Transportation

Paul E. Patton
 Governor

T. Kevin Flanery
 Deputy Secretary

***DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
 POLICY STATEMENT***

The Kentucky Transportation Cabinet ("Cabinet") agree to a policy of nondiscrimination in the award and administration of United States Department of Transportation ("USDOT")-assisted contracts in its Federal highway, transit, and airport financial assistance programs.

The Cabinet has established a narrowly tailored disadvantaged business enterprise (DBE) program, in accordance with applicable law, for the purpose of (a) creating a level playing field on which DBEs can compete fairly for USDOT-assisted contracts; (b) ensuring that only firms that fully meet the eligibility standards are permitted to participate as DBEs; (c) helping to remove barriers to the participation of DBEs in USDOT-assisted contracts; (d) assisting the development of firms that can compete successfully in the marketplace outside the DBE program; and (e) providing appropriate flexibility to subrecipients and contractors in establishing and providing opportunities for DBEs.

Furthermore, the Cabinet, its subrecipients, contractors, and subcontractors shall not discriminate on the basis of race, color, national origin, sex, age or disability in the award and performance of USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26.

The Cabinet shall take necessary and reasonable steps under 49 CFR Part 26 to implement this policy with its subrecipients, contractors and subcontractors.

This policy statement shall be circulated throughout the Cabinet and to the DBE and non-DBE business communities that perform work on the Cabinet's USDOT-assisted contracts.

Signed and approved this 10th day of June 1999.

Geri Grigsby
 General Counsel

James C. Codell, III
 Secretary
 Kentucky Transportation Cabinet



KENTUCKY TRANSPORTATION CABINET
 "PROVIDE A SAFE, EFFICIENT, ENVIRONMENTALLY SOUND, AND FISCALLY RESPONSIBLE TRANSPORTATION SYSTEM
 WHICH PROMOTES ECONOMIC GROWTH AND ENHANCES THE QUALITY OF LIFE IN KENTUCKY."
 "AN EQUAL OPPORTUNITY EMPLOYER M/F/D"

Kentucky Transportation Cabinet Standard Title VI Assurances

The Kentucky Transportation Cabinet, (hereinafter referred to as the "Recipient") hereby agrees that as a condition to receiving any federal financial assistance from the U. S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d 42 U.S.C. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, (49 CFR. Part 21) Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds race, color, disability, sex, age or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the U.S. Department of Transportation, including the Federal Highway Administration, and hereby gives assurance that it will promptly take any necessary measures to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-aid Highway Program:

That the Recipient agrees that each "facility" and each "program" as defined in subsections 21.23(b) and 21.23(e) of the Regulations, will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

That the Recipient shall insert the following notifications in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal-aid Highway Program and, in adapted form in all proposals for negotiated agreements.

Construction Proposals

The Kentucky Transportation Cabinet, Department of Highways in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations of the Federal Department of Transportation (49 CFR, Part 21), issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that the contract entered into pursuant to this advertisement will be awarded to the lowest responsible bidder without discrimination on the ground of race, color, disability, sex, age or national origin.

Agreements For Other Services

Compliance with Regulations: The Consultant shall comply with the regulations of the Transportation Cabinet, Department of Highways relative to non-discrimination in Federally Assisted Programs of the Transportation Cabinet, Department of Highways (49 CFR, Part 21) which are herein incorporated by reference and made a part of this contract.

That the Recipient shall insert one of these nondiscrimination clauses in every contract subject to the Act and the Regulations.

That the Recipient shall also insert into every relevant contract a clause stating that contractors will not discriminate against any employee or applicant for employment because of race, color, disability, sex, age or national origin.

That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, these assurances shall extend to the entire facility and facilities operated in connection therewith.

That where the Recipient receives federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, these assurances shall extend to rights to space on, over, or under such property.

That these assurances obligates the Recipient for the period during which federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, real property or interest therein or structures or improvement thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the delegated authority, to give a reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program, will comply with all requirements imposed by or pursuant to the Act, the Regulations and these assurances.

The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and these assurances.

These assurances are given in consideration of, and for the purpose of, obtaining any and all Federal grants, loans, contracts, property, discounts, and/or other Federal financial assistance extended after the date hereof, to the Recipient by the U. S. Department of Transportation under the Federal-aid Highway Program. The person whose signature appears below is authorized to sign these assurances on behalf of the Recipient.

Date

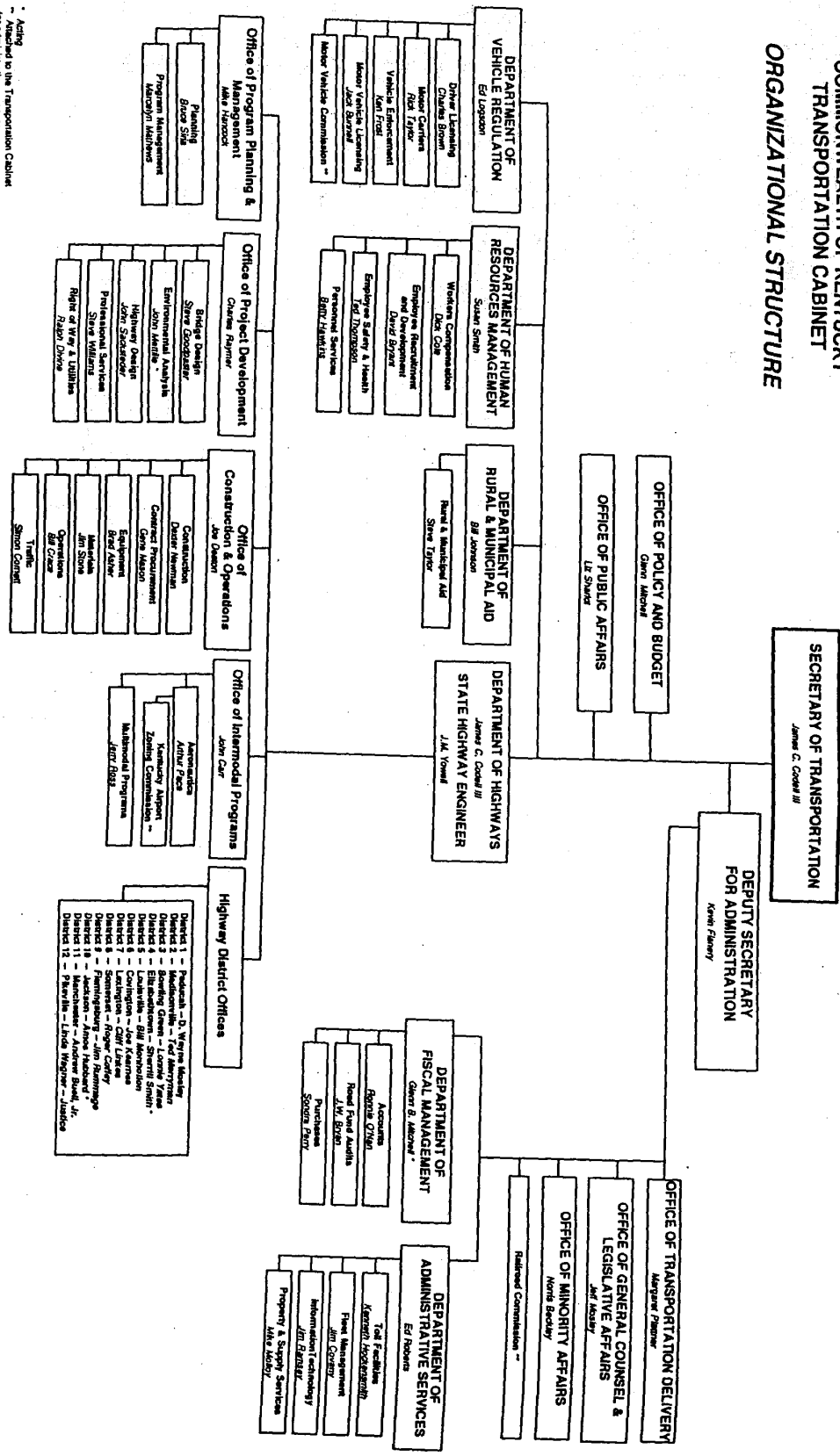
APPROVED AS TO FORM
AND LEGALITY:

James C. Codell, III
Secretary of Transportation

Office of General Counsel

CABINET ORGANIZATIONAL CHART

COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET ORGANIZATIONAL STRUCTURE

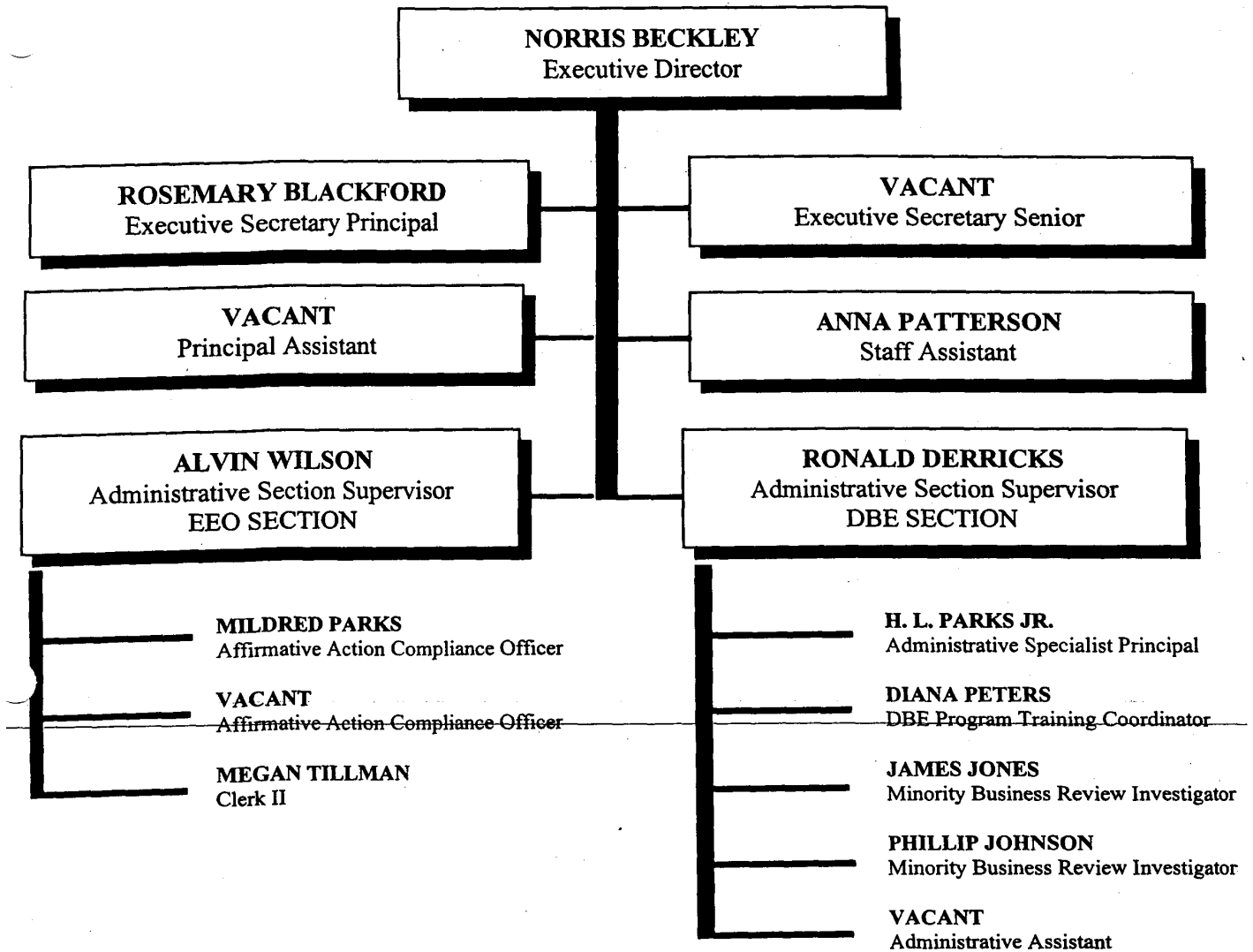


- Acting
- Assigned as the Transportation Cabinet
for administrative purposes
OGC 3/18/95

Secretary of Transportation : _____
Date : _____

OMA ORGANIZATIONAL CHART

OFFICE OF MINORITY AFFAIRS ORGANIZATIONAL CHART



rev. June 9, 1999

Civil Rights Personnel

Title VI initiatives and directives are an integral part of the Kentucky Transportation Cabinet's (Cabinet) day to day operations. The Cabinet Secretary has ultimate responsibility for the Title VI Program. This responsibility is shared by all management personnel who are to monitor the Title VI Program on a daily basis.

Pursuant to Federal Executive Order 1763, 23 Code of Federal Regulations, Part 200 and 49 Code of Federal Regulation, Part 21, the Cabinet Secretary can and has delegated responsibility for the overall development and implementation of the Title VI Program. Personnel primarily responsible for monitoring Title VI programmatic implementation are listed below.

- Title VI Coordinator - Office of Minority Affairs
- Executive Director - Office of Minority Affairs
- Staff Assistant - Office of Minority Affairs
- DBE Liaison Officer - Office of Minority Affairs
- Administrative Section Supervisor - Division of Contract Procurement
- Grants/Contract Administrator – Office of Transportation Delivery
- Environmental Technician – Office of Environmental Affairs
- Transportation Engineering Branch Manager – Division of Design
- Affirmative Action Compliance Officer – Districts 1, 2, 3, 6, 7, 10, 11.
- Environmental Coordinator – District 4
- Transportation Engineering Technician, III, - Districts 5, 8
- District Administrative Manager – District 9
- Administrative Secretary – District 12

Complaint Procedure

1. Any person who believes that he or she has been discriminated against under Title VI of the Civil Rights Act of 1964, has the right to file a complaint to seek resolution to the problem. Title VI ensures that no person shall, on the grounds of race, color, national origin, religion, sex, age or disability be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program or activity receiving federal financial assistance.
2. The affected person shall, within 90 days after the alleged discriminatory action, outline orally or in writing the facts and circumstances surrounding the complaint and contact:

Alvin Wilson, Title VI Coordinator
Kentucky Transportation Cabinet
Office of Minority Affairs
501 High Street, Room 904
Frankfort, KY 40622
1-800-928-3079 or 502/564-3601

3. After receipt of the complaint, the Title VI Coordinator shall acknowledge receipt, in writing, of the complainant. The acknowledgment shall include notification that an investigation will be conducted within ten working days. A copy of the complaint and the acknowledgment will then be forwarded to the Federal Highway Administration (FHWA).
4. The Title VI Coordinator shall conduct a full investigation, when warranted, and furnish a preliminary written report, including recommendations for resolution to the Cabinet Secretary, for a final determination.
5. The Cabinet Secretary shall notify the complainant of the final decision within ten working days of completion of the investigation and a copy of the decision will also be forwarded to the FHWA.
6. The Cabinet Secretary shall further notify the complainant of his or her right to appeal the decision to the FHWA if the decision is not acceptable.
7. The entire procedure as outlined shall be completed within 90 days.
8. Records pertaining to complaints, inquiries and investigations will be maintained by the Office of Minority Affairs.

Program Area Reviews

Planning

Consultants

The OMA maintains a current listing of prequalified disadvantaged consultants by specialty, which is appropriately distributed to promote use of these firms. Currently 15 prequalified DBE firms are consultants. Eight received contract work during this reporting period. See exhibit **Consultant Prequalification Committee and Consultant Selection Committee**.

Location and Design

Minority portions of an area through which an alternate location passes is completely described and analyzed including the approximate number of persons who may be affected.

The Environmental Impact Statement documents the social and economic data of an area including approximate levels of income, the land use of the area, minority and non-minority owners of businesses and significant employment breakdowns. This information is publicly accessible and available upon request.

Environmental Impact Statements

The Title VI Coordinator reviewed 3 Environmental Impact Statements during this reporting period. There were no significant impacts affecting Title VI protected class members. No comments were reported.

The Cabinet held 11 public hearings and 38 public information meetings during this reporting period.

The Title VI Coordinator monitored the procedures used for obtaining public involvement in the location determination process. The Title VI Coordinator verifies that public involvement is solicited as outlined in the **Guidelines for Public Involvement/Public Hearings**. The Title VI Coordinator also verifies that all public meetings were conducted in a barrier free environment.

Right of Way

During this reporting period, no contracts were awarded to disadvantaged business enterprise contractors. There was no DBE activity in grave removal or cemetery relocation, property management or demolition.

Research

A Research Advisory and Implementation Committee is responsible for preparation of the Research Work Program with the University of Kentucky Research Foundation through the staff of the Research Branch of the Transportation Center.

Construction and Maintenance

Prequalifying Prospective Bidders

In accordance with Kentucky Revised Statutes (KRS) 176.130 through 176.220, the Cabinet has established a policy relating to the prequalification of highway contractors to ensure that the contractors can perform the work that they seek.

The basis of the policy stipulates that all contractors seeking to bid on highway construction projects must be prequalified prior to obtaining a bid proposal.

In order to be prequalified, each applicant must file an application and financial statement at least once a year. In addition, those applicants with legal residence outside of Kentucky must register a process agent within the State. Foreign corporations must comply with other laws and be certified with the Secretary of State prior to seeking a certificate of eligibility.

The primary requirement of all applicants is that their organization prove financial responsibility by presenting proof of working capital and/or current assets in excess of current liabilities. Also, they must provide a list of personnel, including related experience, and a listing of equipment adequate for the satisfactory performance of the type of work that they desire for prequalification. The information furnished is subject to review by a committee which recommends the amount of eligibility, types of work permitted to bid, and the overall rating given in accordance with a fixed formula applied to all contracts. The contractors are prequalified annually.

The Cabinet's Office of Minority Affairs (OMA) has responsibility for developing, coordinating and implementing the Disadvantaged Business Enterprise (DBE) program, which assists disadvantaged minority/female firms in becoming prequalified to perform highway construction work.

The OMA, with the supportive services of W. C. Benton and Associates, Inc., a DBE consultant, locates, certifies, validates and monitors those DBE firms desiring to do business with the Cabinet. Once located, the OMA certifies these DBE firms as such, by use of the **Information For Determining Disadvantaged Business Enterprise/Woman-owned Business Enterprise Eligibility Schedule "A"** and the **DBE/WBE Eligibility Questionnaire**.

This information, along with corroborative investigation and personal interview, determines whether a firm is a legitimate DBE and thus eligible for the DBE program. The OMA is also responsible for monitoring the contracting process of the Cabinet to ensure that DBE goals are both established and met.

The Cabinet also encourages and assists disadvantaged minority/female contractors in becoming involved with federal highway construction work by the following two major considerations given to minority/female contractors.

1. Federal-aid projects provide that an average of 11.5 percent of work be subcontracted to

disadvantaged contractors qualified to perform such items. Failure to secure such minority and/or female firms, either prior to or within a specified time after the bid opening, may cause the bidder to be denied the contract.

2. All subcontractors have unlimited eligibility as a class. Restrictions and limits on eligibility dollar amount apply only to contractors performing as prime contractors.

From the information gathered, the OMA compiles and provides a **Prequalified and Certified Disadvantaged Business Enterprises/Women Business Enterprises (DBEs/WBEs), Certified Material Suppliers, Certified Related Services and Certified Consultants Directory** for each letting. This directory is included with each proposal sold on federal-aid projects to make contractors aware of the availability of DBEs.

The Cabinet prequalified 694 contractors in this reporting period and 52 were DBE contractors. The OMA is requested to be present at all scheduled meetings when contractors are being considered by the Construction Prequalification Committee.

The nine prequalification denials did not include any disadvantaged minority or female firms. All applicants denied were advised of the reason by mail. All letters offer assistance and outline the procedure for hearing and appeal. If a DBE is denied, that fact is called to the attention of the OMA DBE Liaison Officer, who reviews each denial.

There were no contractors or prospective contractors who were disqualified from undertaking or from further performance of federal-aid work.

Licensing of Contractors

The Commonwealth of Kentucky has no contractors' license law. It makes no requirements of the Cabinet to conduct any regulative procedure which restricts a contractor on the basis of their ability to register with a revenue or fee collection agent.

Advertising for Bids

The Division of Contract Procurement advertises for bids to be received on construction projects not less than twenty-one days for federal-aid projects and not less than seven days for all other projects prior to the opening of bids. Projects are advertised at least one time in one of the leading statewide newspapers. Projects are also advertised on time in the newspaper with the largest circulation in the county in which the project is located. In addition, all Jefferson and Fayette County projects are advertised in the Louisville Defender, a minority newspaper publication.

In addition, a "Notice to Contractors" is mailed to all prequalified contractors. The notice is inclusive of DBE firms. Also, any individual or company that subscribes to the Division of Contract Procurement's special mailing list will receive a copy of the notice. The notice serves to advertise the upcoming projects as well as, to specify date, time and location of scheduled pre-bid meetings in which DBE subcontracting requirements are discussed.

Interested DBEs are encouraged to be present. A representative from the OMAs' DBE program is also present. The "Notice to Contractors" designates all federal projects that contain DBE goals.

Award of Contracts

After bids are publicly opened and read, the bid prices are recorded and tabulated as soon as possible after the proposals are opened. Immediately thereafter, a comparison of bids is made in the Division of Contract Procurement, based on correct summation of quantities at the unit prices bid. When there is an error in an extension, the correctly extended unit price will govern.

Any individual proposal will be considered irregular and may be rejected for any of the following reasons:

1. If the proposal is on a form other than that furnished by the Cabinet; or if the form is altered or any part thereof is detached.
2. If there are unauthorized additions, conditional or alternate bids or irregularities of any kind which may tend to make the proposal incomplete, indefinite or ambiguous as to its meaning.
3. If the bidder adds any provisions reserving the right to accept or reject an award or to enter into a contract pursuant to an award.
4. Omits both a unit price for any pay item and an amount for the entire quantity of the same pay item, except when a choice of authorized pay items is permitted; or
5. Submits zero as a unit price for any pay item or as an amount for the entire quantity of the same pay item, except when a choice of authorized pay items is permitted.
6. Any failure to comply with the provisions of the 1998 Standard Specifications for Road and Bridge Construction, Section 102.07.
7. Any proposal not accompanied by the required guaranty will be rejected and not read.
8. Proposals received after the time for opening of bids will be time-stamped and returned to the bidder unopened.

The following reasons may be considered as sufficient for the disqualification of a bidder and the rejection of the proposal submitted.

1. More than one proposal for the same work from an individual, firm or corporation under the same or different name.
2. Evidence of collusion among bidders; participants in such collusion will receive no recognition as bidders for future work until they have been reinstated as a qualified bidder.

3. Insufficient eligibility to accept award.
4. Proposals in which the prices are determined to be unbalanced may be rejected.
5. Submit zero as a unit price for any pay item or as an amount for the entire quantity of the same pay item except when a choice of authorized pay items is permitted.

Unless all bids are rejected, the contract will be awarded to the lowest and best bidder, without discrimination on the grounds of race, color, sex, age, national origin or disability, whose proposal complies with the requirements of the law, the regulations and the specifications relating to the project. Project awards will be made within ten days after the date of receiving bids, unless it is deemed best to hold the proposals of any or all bidders for a period not to exceed thirty days for final disposition of award.

The proposal of the lowest bidder may be held longer than thirty days if the bidder concurs. The official "Notice of Award" will be mailed to the address as shown on the "Contractor's Certificate of Eligibility".

When the bid proposal designates a certain percentage of the contract as the DBE portion, then the executed contract shall be accompanied by the necessary number of agreements with DBEs to meet or exceed these designated percentages. Prior to issuing a work order, the OMAs' DBE Section verifies whether goals are met and if goals are not met, the contractor must detail the reasonable efforts made to meet these percentages.

Affirmative Action

The DBE communities are made aware of all contract possibilities through newspaper advertisements and letters from the Division of Contract Procurement. In construction, prequalified and certified DBEs receive a "Notice to Contractors" advising them of projects for which bids will be received.

Prime contractors are made aware of DBEs, who are certified and prequalified with the Cabinet on all federal-aid projects, by receipt of a list of DBEs and the items of work they are prequalified to perform, along with the bid proposal the prime contractor purchases. Also in the "Notice to Contractors" is the announcement of the pre-bid meeting with DBEs.

Title VI provisions are incorporated in all continuing contracts for specialty work, utility work, and other such contracts relating to highway construction. Also a random sampling review of federal-aid contracts verifies that Title VI provisions are made part of these contracts.

Education and Training

See exhibit which list Cabinet participants of National Highway Institute training classes.

Activities and Accomplishments

1. The Title VI Coordinator attends and monitors selected transportation committee meetings of Area Development districts throughout the Commonwealth.
2. The Title VI Coordinator conducted annual reviews in the program areas of Planning, Research, Location, Design, Construction and Maintenance, Education and Training and Right of Way and Department of Administrative Services.
3. The Cabinet's Office of Transportation Delivery conducts annual compliance reviews with Section 5311 (Federal Transit Administration Recipients) grantees, which encompasses Title VI. (See exhibit.)
4. Title VI Coordinator has initiated quarterly meetings with the Title VI Coordinators from the district and program offices.
5. The OMA has provided technical assistance to these agencies to bolster their commitment to Title VI and its directives:

Kentucky River Foothills Development Council, Inc.
The Louisville Urban League
The Louisville Airport Authority
Kentuckians for Better Transportation
Louisville Metropolitan Sewer District
Kentucky Minority Suppliers Development Council
Louisville-Jefferson County Human Resources Relations Commission
Transit Authority of River City

6. The Kentucky Transportation Cabinet along with the Federal Highway Administration (FHWA) provided funding for the Kentucky Urban Youth Corporation. The program will be administered through Kentucky State University. Participants will learn job skills in beautification, walking/bike path construction and other enhancement skills.
7. The Kentucky Transportation Cabinet, FHWA and Kentucky State University sponsored the Summer Transportation Institute at KSU. This was a four week summer program for high school freshman and sophomores designed to introduce them to careers in the transportation industry. (See exhibit.)
8. The Kentucky Transportation Cabinet has provided funding to the Kentucky Foothills Development Council for a training program for women in construction.
9. The Kentucky Transportation Cabinet has provided funding to the Louisville Urban League for a program to train women to work in construction.
10. Title VI training was provided to District AACO's, Department managers and other Cabinet

Goals

1. The Title VI Coordinator will continue to communicate to the public, the existence of the Title VI Program.
2. The Title VI Coordinator will identify cities, counties, consultant contractors, universities, planning agencies and other subrecipients of federal-aid highway funds. A self-survey questionnaire has been formulated and will be circulated to monitor compliance with Title VI directives. (See exhibits.)
3. The Title VI Coordinator will identify minority and woman owned appraising firms, law practices and consultants and encourage them to seek business from the Cabinet.
4. The Title VI Coordinator will respond to and investigate all complaints within the time frame and procedures as outlined in the complaint procedures.

AUDITOR OF PUBLIC ACCOUNTS' NOTE:

The last seven Exhibits listed on the Table of Contents, including Title VI Self-Survey, Title VI Program Brochure, Title VI Quarterly Report Form, Title VI Complaint Form, Title VI Report of Investigation Form, Title VI Complaint Appeal Form, and Title VI Withdrawal of Complaint or Appeal Form, have been reproduced below.

The remaining exhibits were not reproduced in this report, but are available for review with the master copy of the Title VI plan on file with the Auditor of Public Accounts.

General Government
Department: Kentucky Transportation Cabinet
Title VI Self Survey

Part 1:

1. Date of Survey: _____
2. Type of Survey: Initial _____ Annual _____ Other _____
3. Name of Facility/Agency: _____
Street Address: _____
City, County, State: _____
4. Name of Administrative Head: _____
Title: _____
5. Name of Local Title VI Coordinator: _____
Title: _____
6. Do you have an advisory or planning group? Yes _____ No _____
A. If yes, how many are on the board? _____
B. What is the service population in your area? _____
C. What is the minority population in your area? _____
D. Have you considered achieving minority representation on the board?
Yes _____ No _____
7. Non-discrimination Policies: Does your agency have a written policy stating that services will be provided to all persons without regard to race, color, or national origin?
Yes _____ No _____
If yes, attach a copy, FOR INITIAL SURVEY ONLY!
8. Posters: Are posters containing Title VI information prominently displayed within the facility? Yes _____ No _____
9. Do these posters show the name of the Local Coordinator to whom complaints should be referred: Yes _____ No _____
10. Records: Are permanent records kept of all Title VI complaints?
Yes _____ No _____
11. Complaints: Are permanent records kept of all Title VI complaints?
Yes _____ No _____ If applicable, describe below any complaints received in the reporting period. If additional space is needed, please attach that information to the back of the survey.

Name of Complainant _____
Race _____ Charge _____

Findings_____

Corrective Action and Enforcement _____

Time Frame and Method of Monitoring to Ensure Compliance_____

12. Is Title VI information disseminated to your employees and, if applicable, program applicants? Yes _____ No_____ If yes, describe how they are informed._____

13. Are new employees informed about their specific responsibilities to clients under Title VI? Yes _____ No_____

14. Explain any particular problems, if any, you find with Title VI Compliance._____

I declare that I have completed this survey to the best of my knowledge and believe it is true, correct and complete.

Signature_____

Title_____

Title VI of the Civil Rights Act of 1964, Federal Executive Order 11764, Federal Executive Order 12898, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title VIII of the Civil Rights Act of 1968 and subsequent Federal Aid Highway Acts and related statutes prohibit discrimination on the basis of race, color, sex, national origin, age and disability in any program or activity receiving federal aid.

The Kentucky Transportation Cabinet (Cabinet) is committed to providing its constituency with the highest quantity and quality of services without regard to the recipients' race, color, sex, national origin, age or disability. Title VI and related initiatives and directives are an integral part of the Cabinet's day to day operations. They prohibit practices that are discriminatory and can lead to:

Denial to an individual of any service, financial aid, or other benefit provided under any program.

Distinctions in quality, quantity or manner in which a benefit is provided.

Title VI and related statutes also provide for monitoring of:

Methods of administration of relative programs which would defeat or substantially impair the accomplishment of effective nondiscrimination.

Barriers to accessibility to employment sites, schools, health care, recreational facilities, emergency services, shopping, churches, transportation services, activities and facilities.

Program policies and practices to ensure that they do not adversely impact neighborhood preservation.

Policies and practices that determine the amount and timing of compensation for property acquired for transportation projects.

Selection procedures for consultant and subcontractors.

Efforts to obtain minority participation.

Selection of universities, principal researchers

Any person who believes that he or she has been discriminated against under Title VI of the Civil Rights Act of 1964 may file a complaint to seek resolution to the problem of the alleged act of discrimination. The affected person may do so orally or in writing the circumstances surrounding the contact:

Alvin Wilson, Title VI Coordinator
Kentucky Transportation Cabinet
Office of Minority Affairs
501 High Street, Room 904
Frankfort, KY 40622
1-800-928-3079 or 502-564-3601.

TITLE VI QUARTERLY REPORT

This quarterly will be prepared and submitted by each District Title VI/Coordinator to the Cabinet's Title VI/Specialist to ensure compliance with Title VI requirements. Attach additional sheets if necessary.

District/Division ----- Reporting Period -----

District/Division Title VI Coordinator -----

1. How many Title VI or complaints were received during the past quarter?
2. Identify the program area(s) in which discrimination complaints were filed.

3. List the State Project Number(s) or WPI Number(s) for the environmental documents reviewed.

4. Identify all families relocated by State Project Number(s).

5. For all projects which involve relocations:

- a. Were property appraisals conducted without regard to race, color, religion, sex, national origin, age or disability?

YES

NO

- b. Were property acquisition efforts conducted without regard to race, color, religion, sex, National origin, age or disability?

YES

NO

- c. Was the District required to provide or construct emergency/last resort housing on any Project(s)?

If yes, which project(s)?

-
-
6. Were any Title VI or problems identified as a result of reviewing the environmental documents?

YES

NO

If so, what corrective action was initiated?

-
-
7. How many public hearings were held in your district during the quarter? -----

8. List the State Project Number(s) for the public hearing(s) attended by District Title VI personnel.

-
-
9. Were public hearings properly advertised so as to adequately inform the affected community?

YES

NO

10. Were public hearings held at a place and time convenient to the affected community?

YES

NO

11. Were the hearings accessible or made accessible to those protected by the American with Disabilities Act?

YES

NO

12. Did the public hearings present all feasible alternatives and a copy of the environmental document?

YES

NO

13. During the public hearings, were all concerns heard without regard to race, color, religion, sex, national origin, age, familial status or disability?

YES

NO

14. During the public hearings, were persons in attendance advised of the complaint procedures to follow in the event they felt discriminated against because of race, color, religion, sex, -- - national origin age, familial status or disability?

YES

NO

15. Was the input received at and subsequent to the public hearings considered from all member of the affected community without regard to race, color, religion, sex, national origin, age, familial status or disability.

YES

NO

Signature
District Title VI/Title

Date

**Kentucky Transportation Cabinet
Office of Minority Affairs
501 High Street, Room 904
Frankfort, Kentucky 40622
(502) 564-3601 or 1-800-928-3079
Fax: (502) 564-2114**

Complaint Form

Date: _____
File Number: _____

To KYTC Title VI Coordinator

I, _____, hereby file an official complaint against
_____ located at _____

Date of alleged discrimination: _____
Complainant's name: _____
Complainant's address: _____

Complainant's telephone number: _____

Basis of Complaint (race, color, national origin - use back of sheet if necessary)

Signed: _____
Notary: _____
Date: _____

Assigned to KYTC Investigator (Date): _____

**Kentucky Transportation Cabinet
Office of Minority Affairs
501 High Street, Room 904
Frankfort, Kentucky 40622
(502) 564-3601 or 1-800-928-3079
Fax: (502) 564-2114**

Report of Investigation

Date: _____
File Number: _____

I, _____, representing the Kentucky
Transportation Cabinet, have investigated the complaint filed on
_____ by _____ alleging
that discrimination occurred which was in violation of Title VI of the Federal Civil
Rights Act.

The results of the investigation were as follows:

- _____ A. The agency or person was found to be in violation of Title VI
_____ B. The agency or person was not found to be in violation of Title VI.
_____ C. The complainant withdrew the complaint.

A copy of the investigative report is attached.

If the agency or person was found to be in violation of Title VI, a brief description of the
remedial action taken to assure future compliance follows:

**Kentucky Transportation Cabinet
Office of Minority Affairs
501 High Street, Room 904
Frankfort, Kentucky 40622
(502) 564-3601 or 1-800-928-3079
Fax: (502) 564-2114**

Complaint Under the Civil Rights Act of 1964 Under the Civil Rights Act of 1964

Withdrawal of Complaint or Withdraw of Appeal From Finding

To Title VI Coordinator

I, _____, hereby withdraw my () complaint or ()
appeal filed on _____ against _____
Date Name
located at _____

Complainant's Name: _____

Complainant's Address: _____

Reason for withdrawal () appeal () _____

Signed: _____

Notary: _____

Date: _____

COMMONWEALTH OF KENTUCKY

APPEAL FROM FINDING

DEPARTMENT: KENTUCKY TRANSPORTATION CABINET

I, _____ wish to appeal the finding
Name of Appellant

made on _____ by _____

() Non-discrimination or () the proposed remedial action by the agency in the Title VI
complaint as filed by _____ on _____
Complainant Date of Filing.

against _____ at _____
Person or Agency Location

Signed: _____
Appellant

Address

Date of Appeal

CABINET FOR WORKFORCE DEVELOPMENT



PAUL E. PATTON
GOVERNOR

CABINET FOR WORKFORCE DEVELOPMENT
OFFICE OF THE SECRETARY
CAPITAL PLAZA TOWER, 2nd FLOOR
500 MERO STREET
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-6606 FAX (502) 564-7967

ALLEN D. ROSE
SECRETARY

June 30, 1999

Mr. Edward B. Hatchett Jr.
Auditor of Public Accounts
Suite 144, Capitol Annex
Frankfort, KY 40601

Dear Mr. Hatchett:

Enclosed please find the 1999 Update of the Title VI Implementation Plan for the Cabinet for Workforce Development. This is submitted in compliance with KRS 344.015 pursuant to the format prescribed at 45 KAR 1:080 sections 2 and 4.

Under separate cover this date, I am also sending a copy of the Cabinet for Workforce Development's Title VI Implementation Plan 1999 Update to the Kentucky Commission on Human Rights.

Please contact Sue G. Simon, Esq., Office of General Counsel, for additional information we can provide.

Sincerely,

Allen D. Rose
Secretary
Cabinet for Workforce Development

ADR/me
Enclosure



EQUAL EDUCATION AND EMPLOYMENT OPPORTUNITIES M/F/D

Cabinet for Workforce Development
Title VI 1999 Update

	Client Assistance Program (CAP)	Department for Adult Education and Literacy (DAEL)	Department for Employment Services (DES)	Department for Technical Education (DTE)	Department for the Blind (DFB)
1. Identify any new programs or activities administered by your agency or program which are subject to Title VI, i.e., new federal grant program.	No changes.	No changes.	No changes	No changes.	DFB no longer administers "Priority Area 1.3 - Design and Test A Consultant Model of Aging Blindness." No other changes.

Cabinet for Workforce Development
Title VI 1999 Update

	Client Assistance Program (CAP)	Department for Adult Education and Literacy (DAEL)	Department for Employment Services (DES)	Department for Technical Education (DTE)	Department for the Blind (DFB)
<p>2. Describe any changes made to the complaint procedures utilized by your agency or program for filing a Title VI complaint. (The Cabinet has a uniform Title VI complaint procedure which is described on pages 8-11 of the Cabinet's Title VI Plan; however, if your program has implemented any changes in that procedure, please describe them.)</p>	No changes.	No changes.	No changes	<p>The reorganization of DTE eliminated Regional Business Offices, Regional Executive Director positions and Regional EEOC positions. This created a need for change in the complaint procedures for staff and students as follows: <u>Student Complaints:</u> The Regional EEOC was responsible for second level review of student complaints. This is now the school principal's responsibility. <u>Staff Complaints:</u> The Regional Executive Director was responsible for second level review of a grievance filed by an instructor or support staff member, and first level review for a grievance filed by a principal. This is now the Deputy Commissioner's responsibility.</p>	No changes.

Cabinet for Workforce Development
Title VI 1999 Update

	Client Assistance Program (CAP)	Department for Adult Education and Literacy (DAEL)	Department for Employment Services (DES)	Department for Technical Education (DTE)	Department for the Blind (DFB)
3. Indicate any training regarding non-discrimination which was offered to your staff and/or grantees and/or program consumers during orientation sessions or annual conferences or in any other training venue.	None.	Two DAEL staff members attended the Governor's 12th EEO Conference in Louisville, October 1998. The non-discrimination, Title VI, is discussed with all new hires during employee orientation. Program orientation pertaining to EEO is handled at the program/provider level.	Danny Hollon, EEO Representative, attended the state conference in Louisville and national conference in Washington, D.C.	Training is provided for EEO coordinators and administrators as needed.	During an orientation session new employees are informed about the Americans with Disabilities Act, Client Assistance Program, and are informed of procedures for filing complaints to the DFB-EEO Counselors and Coordinator.
4. Specify any evaluation responses from consumer satisfaction or service delivery assessment surveys indicating Title VI concerns and any actions taken to address Title VI services deficiencies.	None.	None.	None.	None.	None.

Cabinet for Workforce Development
Title VI 1999 Update

	Client Assistance Program (CAP)	Department for Adult Education and Literacy (DAEL)	Department for Employment Services (DES)	Department for Technical Education (DTE)	Department for the Blind (DFB)
5. Indicate the number and status of any Title VI complaints received, investigated, resolved, or pending in your agency or program or reported by any grantee.	None.	None.	None.	None.	None.

Cabinet for Workforce Development
Title VI 1999 Update

	Client Assistance Program (CAP)	Department for Adult Education and Literacy (DAEL)	Department for Employment Services (DES)	Department for Technical Education (DTE)	Department for the Blind (DFB)
6. Identify the current total membership of each Board and/or Advisory Council attached to your agency or program and the percentage of the total membership by Title VI status (race, color, national origin).	See Attachment 1.	See Attachment 1.	See Attachment 1.	See Attachment 1.	See Attachment 1.
7. Enumerate the number of local/district/field offices or secondary schools or local programs operated/funded by your agency or program.	None.	DAEL currently funds two hundred fifteen (215) programs.	Twenty-seven (27) full service and sixty (60) part-time/itinerant Field Offices	Six (6) administrative business offices; fifty-two (52) area technology centers	No changes.

Cabinet for Workforce Development
Title VI 1999 Update

	JTPA Education Coordination Branch (ECB)	Kentucky Occupational Information Coordinating Committee (KOICC)	Office of Personnel Services (OPS)	Office of School-to Work (OSTW)	Office of Training and ReEmployment
1. Identify any new programs or activities administered by your agency or program which are subject to Title VI, i.e., new federal grant program.	No changes.	No changes.	No changes.	No changes.	OTR will administer the Workforce Act of 1998 (WIA) effective July 1, 1999. WIA supercedes the Training Partnership Act (JTPA). Projects will serve dislocated workers, economically disadvantaged adults, 18 and over, with priority for training services to the economically disadvantaged.

Cabinet for Workforce Development
Title VI 1999 Update

	JTPA Education Coordination Branch (ECB)	Kentucky Occupational Information Coordinating Committee (KOICC)	Office of Personnel Services (OPS)	Office of School-to Work (OSTW)	Office of Tr ReEmployr
2. Describe any changes made to the complaint procedures utilized by your agency or program for filing a Title VI complaint. (The Cabinet has a uniform Title VI complaint procedure which is described on pages 8-11 of the Cabinet's Title VI Plan; however, if your program has implemented any changes in that procedure, please describe them.)	No changes.	No changes.	No changes.	No changes.	No ch

Cabinet for Workforce Development
Title VI 1999 Update

	JTPA Education Coordination Branch (ECB)	Kentucky Occupational Information Coordinating Committee (KOICC)	Office of Personnel Services (OPS)	Office of School-to Work (OSTW)	Office of ReEmplo
3. Indicate any training regarding non-discrimination which was offered to your staff and/or grantees and/or program consumers during orientation sessions or annual conferences or in any other training venue.	Non-discrimination was discussed with all contractors and compliance was monitored during on site visits. Dave Schardein attended the Governor's EEO Conference in Louisville.	None.	Diversity training is conducted for new teachers and administrators.	None.	1
4. Specify any evaluation responses from consumer satisfaction or service delivery assessment surveys indicating Title VI concerns and any actions taken to address Title VI services deficiencies.	None.	None.	None	None.	1

Cabinet for Workforce Development
Title VI 1999 Update

	JTPA Education Coordination Branch (ECB)	Kentucky Occupational Information Coordinating Committee (KOICC)	Office of Personnel Services (OPS)	Office of School- to Work (OSTW)	Office of Trai ReEmployment
5. Indicate the number and status of any Title VI complaints received, investigated, resolved, or pending in your agency or program or reported by any grantee.	None.	None.	None.	None.	None

Cabinet for Workforce Development
Title VI 1999 Update

	JTPA Education Coordination Branch (ECB)	Kentucky Occupational Information Coordinating Committee (KOICC)	Office of Personnel Services (OPS)	Office of School-to Work (OSTW)	Office of ReEmployment
6. Identify the current total membership of each Board and/or Advisory Council attached to your agency or program and the percentage of the total membership by Title VI status (race, color, national origin).	See Attachment 1.	See Attachment 1.	Cabinet for Workforce Development Staff - See Attachment 2.	See Attachment 1.	See Attachment 1.
7. Enumerate the number of local/district/field offices or secondary schools or local programs operated/funded by your agency or program.	In PY 98 ECB contracted with the Department of Education with thirty-three (33) secondary schools as local sites; the Department for Adult Education and Literacy with nine (9) adult learning centers as local sites; and the "Special Programs" which included one (1) adult learning center, three (3) alternative high schools and four (4) adult occupational training sites.	None.	None.	None.	Elevated Workforce

ATTACHMENT 1

6. Identify the current total membership of each Board and/or Advisory Council attached to your agency or program and the percentage of the total membership by Title VI status (race, color, national origin).

Cabinet Boards/Advisory Councils	Total Membership	Title VI Status (percentage)
Department for the Blind State Rehabilitation Council	20	10
Department for the Blind Independent Living Advisory Board	10	0
KATS Network Advisory Board	19	5
State Committee of Blind Vendors	10	0
Charles W. McDowell Rehabilitation Center Advisory Board	12	16
Kentucky Industries for the Blind, Inc. Board of Directors	13	8
State Board for Adult and Technical Education	11	18
Statewide Vocational Rehabilitation Advisory Council	24	4
Statewide Independent Living Council	23	13
Assistive Technology Loan Fund Board	7	14
Kentucky Occupational Information Coordinating Committee	17	0
KOICC Special Projects Committee	29	1
Kentucky Unemployment Insurance Commission	3	1
Kentucky Employer's Committee	25	2
Kentucky Workforce Investment Board	25	4
Kentucky Workforce Partnership Council	23	0
Kentucky Job Training Coordinating Council*	21	14

* Superseded by the Workforce Investment Board effective May 1, 1999.

See Attachment 2 for Cabinet for Workforce Development Office of Personnel Services Title VI Summary.

ATTACHMENT 2

CABINET FOR WORKFORCE DEVELOPMENT TITLE VI SUMMARY
June 22, 1999

Department	Positions Filled	White	Black	Hispanic	Asian American	Asian American
Secretary's Office	120	117 98%	3 3%			
Proprietary Education	13	13 100%				
Department for the Blind	133	126 97%	7 5%			
Office of Training & ReEmployment	30	30 100%				
Department for Employment Services	869	783 89%	84 10%			
State Board for Adult and Technical Education	11	8 73%	3 27%			
Department for Technical Education	939	928 99%	11 1%			
Department for Adult and Education Literacy	35	35 100%				
Department for Vocational Rehabilitation	478	462 97%	14 3%	1 0%	1 0%	